

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Case No. 16-RC-290302

STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED SOUTHWEST REGIONAL JOINT BOARD,

Petitioner.

Place: Zoom

Date: March 2, 2022

Pages: 1 through 213

Volume: 1 of 2

OFFICIAL REPORTERS

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

In the Matter of:

STARBUCKS CORPORATION,

Employer,

Case No. 16-RC-290302

and

WORKERS UNITED SOUTHWEST
REGIONAL JOINT BOARD,

Petitioner.

The above-titled matter came on for hearing pursuant to Notice, before PAUL SYKES, Hearing Officer, held via Zoom, on Wednesday, the 2nd day of March, 2022, commencing at 10:49 a.m., Central.

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I N D E X

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P R O C E E D I N G S

[10:49 a.m.]

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HEARING OFFICER PAUL SYKES: Okay, okay, the hearing will be in order.

This is a formal hearing in the matter of Starbucks Corporation, Case No. 16-RC-290302, before the National Labor Relations Board.

The Hearing Officer appearing for the National Labor Relations Board is Paul Sykes, S-y-k-e-s.

All part have been informed of the procedures at formal hearings before the Board by service of a Description of Procedures in Certification and Decertification Cases with the Notice of Hearing. I have additional copies of this document for distribution if any party wants more.

So, I will start with the Petitioner, will Counsel please state their appearances for the record?

MR. QUINTO-POZOS: Yes, Manuel Quinto-Pozos and Martha Owen for Petitioner, Workers United.

HEARING OFFICER SYKES: Thank you.

Okay, and for the Employer?

MS. MEYER: Arrissa Meyer for Starbucks Corporation.

MR. RAHHAL: And Steve Rahhal for Starbucks Corporation.

1 MS. PLOOF: Amanda Ploof for Starbucks Corporation.

2 HEARING OFFICER SYKES: Okay, are there any other
3 appearances?

4 *[No response]*

5 HEARING OFFICER SYKES: Let the record show no
6 response.

7 Are there any other persons, parties, or labor
8 organizations in the hearing room who claim an interest
9 in this proceeding?

10 *[No response]*

11 HEARING OFFICER SYKES: Let the record show no
12 response.

13 Okay, so I would now propose to receive the Formal
14 Papers.

15 They have been marked for identification as Board's
16 Exhibit 1(a) through 1(j), inclusive; Exhibit 1(j) being
17 an Index and Description of the entire exhibit.

18 **(Board's Exhibit 1(a) through 1(j), inclusive, marked
19 for identification.)**

20 HEARING OFFICER SYKES: The exhibit has already
21 been provided to all parties.

22 Are there any objections to the receipt of these
23 exhibits into the record?

24 MR. QUINTO-POZOS: No objection.

25 HEARING OFFICER SYKES: Okay, hearing no

1 objections, the Formal Papers are received into
2 evidence.

3 **(Board's Exhibit 1(a) through 1(j), inclusive, received**
4 **into evidence.)**

5 HEARING OFFICER SYKES: Are there any -- are there
6 any motions to intervene in these proceedings to be
7 submitted to the Hearing Officer for ruling by the
8 Regional Director, at this time?

9 *[No response]*

10 HEARING OFFICER SYKES: Let the record show no
11 response.

12 Are there any pre-hearing motions that need to be
13 addressed at this point?

14 *[No response]*

15 HEARING OFFICER SYKES: Let the record show no
16 response.

17 I guess we can go off the record right now, because I
18 am about to get to Board's Exhibit 2.

19 **(Board's Exhibit 2, marked for identification.)**

20 HEARING OFFICER SYKES: I have sent that to both
21 parties.

22 *[Off the record]*

23 HEARING OFFICER SYKES: So the parties to this
24 proceeding have executed a document which is marked as
25 Board's Exhibit 2. That exhibit contains a series of

1 stipulations, including, among other items, that the
2 Petitioner is a labor organization within the meaning of
3 the Act, that there is no contract bar, and that the
4 Employer meets the jurisdictional standards of the Board.
5 In addition, there were several other stipulations in this
6 Board exhibit, and...

7 So let me first, I just want to say, you know, our --
8 are both parties okay with admitting Board's Exhibit 2,
9 and then we can kind of discuss the specifics that the
10 Petitioner wanted to discuss.

11 MR. QUINTO-POZOS: Yes.

12 MS. MEYER: Yes, for the Employer, as well.

13 HEARING OFFICER SYKES: Okay, so hearing no
14 objections, Board's Exhibit 2 will be received into
15 evidence.

16 **(Board's Exhibit 2, received into evidence.)**

17 HEARING OFFICER SYKES: I will now allow the
18 Petitioner to give a little more detail and explanation
19 about some of the stipulations contained in Board's
20 Exhibit 2.

21 If you will, for the record, just refer to which
22 number of the stipulation you are referring to.

23 MR. QUINTO-POZOS: Of course.

24 Just very briefly, most or all of the numbered
25 stipulations are pretty self-explanatory and they are

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1 consistent with what has been entered into by the
2 parties in previous hearings.

3 Just to highlight a couple of them, Stipulation No.
4 22 describes data that has -- that was -- this is the
5 Petitioner's understanding, that has been stipulated to
6 by both sides, data that has been gathered by the
7 Employer for this particular area of stores, and it also
8 -- it also references a -- an excerpt of data referred
9 to as Petitioner's Exhibits 1 and 2, that have been
10 excerpted from the data that the Employer provided, and
11 -- and both sides have stipulated as to the authenticity
12 and admissibility of -- of that -- of both sets of
13 documents and exhibits.

14 In terms of stipulation between 29 that references
15 a list of store-related information that pertains to
16 this particular district for the month of January in the
17 years of 2019 through 2022, and that is just to
18 contextualize some of these stipulations.

19 HEARING OFFICER SYKES: Okay. Thank you. Thank
20 you. I don't know if the Employer wanted to add
21 anything to that?

22 MR. RAHHAL: I would just add that going back to
23 Stipulation No. 22, just so it is clear, this is
24 information that the Employer gathered, and this is
25 information that they gathered and provided to their

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1 expert witness, referred to in latter stipulations,
2 specifically No. 23, 24, and this is the underlying data
3 that the expert used to create her charts and exhibits,
4 which are part of Exhibit -- I'm sorry, Stipulation No.
5 25.

6 HEARING OFFICER SYKES: Okay. Okay.

7 So the next part is, you know, are there -- well, I
8 know there are, but are there any petitions pending in
9 other regional offices?

10 Based on my search of our records, I found
11 petitions in Region 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13,
12 14, 16, 18, 19, 20, 22, 25, 27, 28, 29, 31, and 32.

13 Would the parties agree with that statement I just
14 said?

15 MR. QUINTO-POZOS: I would have no basis to the
16 contrary.

17 HEARING OFFICER SYKES: Okay.

18 MS. MEYER: It would take us some time to check
19 that, but I don't have a basis on which to dispute that
20 list, and I suspect that the Board's records are
21 correct.

22 MR. RAHHAL: And I can certainly say that there is
23 a lot of them out there.

24 *[Laughter]*

25 HEARING OFFICER SYKES: And, you know -- okay, does

1 either party contend that those other cases have any
2 specific impact on the Region 16 case that we are having
3 the hearing on today?

4 MR. QUINTO-POZOS: Not in a way that has already
5 been -- that hasn't been rejected by the Regional
6 Director. I mean, so I guess, in short, no.

7 HEARING OFFICER SYKES: Okay. I know it is kind of
8 a broad question.

9 MS. MEYER: Complicated.

10 HEARING OFFICER SYKES: Okay, and does the Employer
11 have any statement on that, whether those cases will
12 have an impact on the processing of this particular case
13 or this proceeding?

14 MS. MEYER: No.

15 HEARING OFFICER SYKES: Okay. Okay, so the parties
16 are reminded that prior to the close of hearing, the
17 Hearing Officer will solicit the parties' position on
18 election details. We have already stipulated to those
19 details that it will be a mail ballot. The Hearing
20 Officer will also inquire as to the need for foreign
21 language ballots, but this issue has actually already
22 been addressed in Exhibit 2.

23 Okay, so the parties have been advised that the
24 hearing will continue from day to day, as necessary,
25 until the hearing is completed, unless the Regional

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1 Director concludes that extraordinary circumstances
2 warrant otherwise.

3 The parties are also advised that upon request, any
4 party is entitled to a reasonable period at the close of
5 the hearing for oral argument, which shall be included
6 in the transcript of the hearing. Any party desiring to
7 submit a brief to the Regional Director shall be
8 entitled to do so within five business days after the
9 close of the hearing. Prior to the close of the
10 hearing, and for good cause, the Hearing Officer may
11 grant an extension of time to file a brief, not to
12 exceed an additional ten business days.

13 Okay, I am just going off the record with these
14 exhibits, so I can get it to the Court Reporter.

15 THE COURT REPORTER: Did you say you wanted to go
16 off the record?

17 HEARING OFFICER SYKES: Oh, yes. I'm sorry.

18 THE COURT REPORTER: Okay, thank you.

19 *[Off the record]*

20 HEARING OFFICER SYKES: Okay, back on the record.

21 So, the Employer has completed, and I have marked
22 for identification as Board's Exhibit 3, a Statement of
23 Position in this matter

24 **(Board's Exhibit 3, marked for identification.)**

25 HEARING OFFICER SYKES: Are there any objections to

1 receipt of this exhibit into the record?

2 MS. MEYER: No objection.

3 MR. QUINTO-POZOS: No.

4 HEARING OFFICER SYKES: Hearing no objection,
5 Board's Exhibit 3 is received.

6 **(Board's Exhibit 3, received into evidence.)**

7 HEARING OFFICER SYKES: Okay, and then, just --
8 just to go over the Position Statement, in the
9 Employer's Position Statement, they -- the issue they
10 raise is that the single-store unit at Store 23895 is
11 not appropriate because the only appropriate unit is a
12 district-wide unit of all thirteen stores, and that the
13 Union's selective filing violates Section 9(c)(5), and
14 that the inclusion of the Assistant Store Manager is not
15 appropriate.

16 I guess what I will say -- well, I am going to give
17 you guys a chance to give your position in your Opening
18 Statements, but, you know, is that consistent with what
19 is in your Position Statements? Would the Employer
20 agree to that?

21 MS. MEYER: Yes, that is consistent with our
22 Position Statement.

23 HEARING OFFICER SYKES: Okay, and so the Petitioner
24 has completed, and I have marked for identification as
25 Board's Exhibit 4, a Responsive Position Statement in

1 response to the Statement of Position submitted by the
2 Employer.

3 **(Board's Exhibit 4, marked for identification.)**

4 HEARING OFFICER SYKES: Are there any objections to
5 receipt of this exhibit into the record?

6 MR. QUINTO-POZOS: No.

7 HEARING OFFICER SYKES: Okay, hearing no
8 objections, Board's Exhibit 4 is received.

9 **(Board's Exhibit 4, received into evidence.)**

10 HEARING OFFICER SYKES: And, based on your Position
11 Statement, it is our understanding that the Union takes
12 the position that a single unit -- single-store unit is
13 appropriate, and they have also taken the position that
14 Store Managers -- that Assistant Store Managers are not
15 2(11) supervisors. Does that accurately reflect the
16 general position that you have raised in this Position
17 Statement?

18 MR. QUINTO-POZOS: Yes, it does.

19 HEARING OFFICER SYKES: Okay. So the next question
20 that I have is -- I will start with the Employer,
21 because the -- with the ones identified on their
22 Position Statement.

23 So, does any party contend that anything other than
24 the Board's standard eligibility formula for voting is
25 required, giving the industry in which the Employer is

1 engaged, and I notice that the Employer on their
2 Position Statement did indicate the Davison-Paxon
3 Formula. I guess I would kind of request some more
4 detail on it -- from the Employer, as to why they put
5 that on there.

6 MS. MEYER: Steve, can you address that?

7 MR. RAHHAL: *[Inaudible - muted]*

8 MS. MEYER: You are on "mute," Steve.

9 MR. RAHHAL: I'm sorry, I was dealing with the
10 Board on another. We are trying to get it stippled, and
11 I'm sorry.

12 Arrissa, I am not even certain what the question
13 was.

14 HEARING OFFICER SYKES: I can repeat it.

15 So, the -- I am asking a question about the
16 eligibility formulas and on the Position Statement, the
17 Employer indicated that the Davison-Paxon Formula would
18 be appropriate, so I kind of wanted to get the
19 Employer's position on why they believe that is
20 necessary or appropriate.

21 MR. RAHHAL: I am -- Arrissa, can --

22 MS. MEYER: I believe that is the formula for the
23 part-time employees, and so we contend that that is
24 appropriate here, because we do have part-time employees
25 that work in the store.

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1 HEARING OFFICER SYKES: Okay. And, I guess, I will
2 get the -- the Union's position on that.

3 Do you guys have a position on whether they believe
4 this formula would be necessary?

5 MR. QUINTO-POZOS: Well, I believe I would have to
6 default to what is in our Responsive Position Statement
7 which says that our position is that the Board should
8 apply the standard formula, including for the
9 petitioned-for regular part-time employees, and that is
10 on Page 5 of Attachment A, to the RSOP.

11 MR. RAHHAL: I'm just trying to recall off the top
12 of my head, but I believe in some of the stipulations,
13 the Board have stipulated that that would be the formula
14 to be used, but do not quote me on that.

15 HEARING OFFICER SYKES: Uh-huh.

16 MR. RAHHAL: And, Paul, I'm sorry, I was just -- we
17 are just trying to get a stip out with this Region, so I
18 need to focus on this hearing, and not that stip.

19 HEARING OFFICER SYKES: Okay, all right. And I
20 guess you have the -- I mean, I don't want to spend too
21 much time on this. Our -- is either party saying that
22 the Employer employs employees on an irregular time
23 basis, where their hours are so minimal.

24 MS. MEYER: Well, it is possible. I mean, this is
25 a retail environment, so people, you know, may be

1 working smaller numbers of hours.

2 HEARING OFFICER SYKES: Okay. Well, I guess -- so
3 if I could summarize it, the Employer's position is if
4 the Director determined that a formula would be
5 necessary, that it -- that its position is that the
6 Davison-Paxon Formula would be appropriate.

7 MS. MEYER: Correct.

8 HEARING OFFICER SYKES: But, I guess I need to
9 narrow that down.

10 Is the Employer insisting that a formula should be
11 used no matter what?

12 MR. RAHHAL: I think we are insisting that it
13 should be used if there are folks that meet the
14 criteria, inconsistent with irregular part-time work.

15 HEARING OFFICER SYKES: Okay, and -- but you are
16 not aware of that, or you don't -- you aren't presenting
17 evidence on that?

18 MS. MEYER: We are not presenting evidence on that.

19 HEARING OFFICER SYKES: Okay. Okay, well, I guess
20 I will leave it at that. I mean, that is something that
21 sometimes comes up in hearings as the record develops,
22 but, you know, at times like -- well, the Reader of the
23 Record will, you know, decide whether there -- there is
24 a formula, and sorry, just -- I didn't get the
25 Petitioner's position.

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1 If the -- if the Director did decide that a formula
2 is appropriate, do you have a position on which formula
3 is appropriate, and then I guess I will have another
4 question after that.

5 MR. QUINTO-POZOS: I guess I would only state that
6 -- that the Petitioner is not aware of irregular or
7 minimal basis employees at the petitioned-for store, and
8 we do not intend to present evidence as to that, and you
9 know, if the -- if it is the Employer's request that the
10 Regional Director depart from the standard formula, our
11 position would be that -- that they would have to show
12 their entitlement to that.

13 HEARING OFFICER SYKES: Okay.

14 MR. RAHHAL: Now, I think the Davison-Paxon Formula
15 is the standard formula. It is just applied to a
16 certain group of people that meet the criteria.

17 HEARING OFFICER SYKES: Yeah, I think that is the
18 understanding, that that is the standard formula, but --
19 okay. Well, this is helpful that at least I've got, you
20 know, positions on it, and it doesn't seem that it is
21 really an issue.

22 So, is there anything else that needs to be
23 discussed at this point?

24 *[No response]*

25 HEARING OFFICER SYKES: Okay. All right.

1 And just so -- the Regional Director has directed
2 the following issue will be litigated at this
3 proceeding. The only issue to be litigated is the scope
4 of the unit, and specifically whether a single-unit
5 facility at Store No. 23895 located at 2639 Northwest
6 Loop 410, Suite 106, San Antonio, Texas, also referred
7 to as the 410 and Vance Jackson Store, is appropriate,
8 or whether the smallest appropriate unit must include a
9 district-wide unit made up of all thirteen stores in
10 District 2087.

11 The Region has -- the Regional Director has decided
12 the issue of whether Assistant Store Managers are 2(11)
13 supervisors, as such, should not be included in any unit
14 found appropriate, will not be litigated in this
15 proceeding, because the issue relates to the eligibility
16 or inclusion of an insignificant portion of the unit,
17 and the Regional Director has exercised his discretion
18 to defer this issue. In addition, the parties have
19 stipulated to an agreement on that classification, as
20 well, in Board's Exhibit 2.

21 Okay, so please be aware that because a single-
22 facility unit is presumptively appropriate, the Employer
23 has the burden of proving the appropriateness of a
24 multi-facility unit. You must present specific detailed
25 evidence in support of your position. General

1 conclusionary statements by witnesses will not be
2 sufficient.

3 So, if the Employer wants to present their first
4 witness, and then I guess we can go off the record while
5 you arrange that.

6 MS. MEYER: They should be in the waiting room.

7 HEARING OFFICER SYKES: Oh, okay.

8 MR. RAHHAL: And Hearing Officer Sykes, I --
9 generally, or typically we have been allowed to give
10 Opening Statements before calling witnesses.

11 HEARING OFFICER SYKES: Yes. I must have missed
12 that.

13 Okay, so I guess I will start with the Employer.
14 Would you like to give an Opening Statement?

15 MR. RAHHAL: Sure, and I will try to make this as
16 quick and short as possible.

17 HEARING OFFICER SYKES: Are we on the record?

18 THE COURT REPORTER: Yes.

19 HEARING OFFICER SYKES: Okay, thank you.

20 Sorry, go ahead.

21 OPENING STATEMENT - Employer

22 MR. RAHHAL: Okay, as we all know, on or about
23 February 8th, Workers United filed a petition to
24 represent Starbucks Baristas, Shift Supervisors, and
25 Assistant Store Managers, at a single store located at

1 2639 Northwest Loop 410, San Antonio, Texas 78230.

2 Throughout this hearing, you will hear the store
3 commonly referred to as either Store 23895 or the 410
4 and Vance Jackson Store. Now, the 410 and Vance Jackson
5 Store is part of District 2087, a district comprised of
6 thirteen stores that are all in the same geographic area
7 around the Medical Center and Downtown San Antonio.

8 District 2087 is managed by District Manager, Casey
9 Martin.

10 Now, we are here today to determine whether the
11 hourly employees, called "Partners," of Starbucks
12 District 2087 will be permitted to vote together as a
13 District on the issue of representation. If the Region
14 denies Starbucks' request to have all of the District
15 Partners participate in the election, this would mean
16 that despite the highly integrated culture and shared
17 working conditions in the District, Store 23895, and
18 only Store 23895, could have a different set of terms
19 and conditions of employment from all of the other
20 stores in the District.

21 As everyone is aware, Workers United has filed a
22 number of petitions to represent Starbucks' Partners
23 throughout the country, and this Union has also made it
24 clear that its intent is to try to organize all of
25 Starbucks' hourly employees, and where bargaining has

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1 actually occurred, this Union has also made it clear
2 that it does not want single store Collective Bargaining
3 Agreements, but instead, it wants to negotiate
4 agreements that will cover more than one store. For
5 example, I understand that this union has proposed in
6 New York, that if Partners in any one store located
7 within twenty miles of any Union-represented store
8 choose to unionize, the former shall become part of the
9 bargaining unit at the latter, and shall be covered by
10 any Collective Bargaining Agreement applicable to the
11 latter store.

12 This effort and this petition is what brings us
13 here today. During this hearing, Starbucks will present
14 evidence that because of the level of functional
15 integration in District 2087, the only appropriate unit
16 is a unit that consists of the Partners of the thirteen
17 stores located in that District.

18 Hearing Officer, you have been asked to take notice
19 of evidence from other hearings of the centralized
20 control of operations and labor relations at Starbucks'
21 corporate-owned stores, evidence of how the Company
22 exercises control of its retail stores, and specifically
23 how it uses modern technology to control all aspects of
24 daily operations and labor relations to ensure that we
25 provide consistent customer and Partner experience.

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1 During this hearing, Starbucks will present
2 additional evidence of the level of functional
3 integration of the thirteen stores in District 2087,
4 such that the only appropriate unit is a unit that
5 consists of Partners from all of the stores within the
6 District.

7 For example, during this hearing, Starbucks will
8 present testimony from the District's District Manager
9 about the day-to-day operations of the stores, including
10 their use of policies, procedures, and engineering tools
11 which significantly limit autonomy over day-to-day
12 operations. This will also include testimony about the
13 District Manager's significant interactions and
14 communications with the Partners in all of the stores in
15 the District, through District titles, planning of
16 visits, observe and coach visits, and other daily
17 connections. This will also include testimony about the
18 District Manager's involvement in scheduling and
19 staffing at the stores within the District. We will
20 also present testimony about the District Manager's
21 involvement in safety measures at the store in the
22 District. We will also present testimony about the
23 District Manager's involvement in the handling of
24 Partner and customer complaints, and we will also
25 present testimony about the District Manager's role in

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1 Partner recruiting, Partner hiring, transfers, wages and
2 promotions, and Partner terminations.

3 Starbucks will also permit -- present documentary
4 evidence in the form of data -- from the data scientists
5 about the high level of Partner interchange across
6 District 2087. This evidence shows the frequency with
7 which Partners from other stores in the District
8 regularly work shifts at the petitioned-for store, and
9 how often Partners primarily assigned to the petitioned-
10 for store, work at other stores in District 2087.

11 In addition, the evidence will show that all of the
12 Partners in District 2087 perform the same job duties in
13 the same manner, have the same job description, wear the
14 same uniforms, have the same pay and benefits, receive
15 the same training, have the same skill and working
16 conditions, follow the same policies or procedures, and
17 share the same Partner resources support. In fact,
18 Starbucks has designed its organization with the ideas
19 of partnership, cohesion, and collaboration. Starbucks
20 intentionally operates in a way that ensures a customer
21 can walk into any of its more than 8,000 stores and
22 enjoy the same beverage and food items nationwide.

23 For these reasons, Mr. Hearing Officer, and as will
24 be discussed throughout the hearing, Starbucks stores in
25 District 2087 are highly integrated, and a multi-

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1 location unit is the only appropriate unit. The
2 Partners in District 2087 deserve for their voices to be
3 heard, and their voices to be counted. The Region
4 should acknowledge the integration and interconnected
5 nature of this District and order an election that
6 includes the Partners of all thirteen stores in District
7 2087.

8 Thank you.

9 HEARING OFFICER SYKES: Okay, thank you.

10 Does the Petitioner wish to give an Opening
11 Statement?

12 MR. QUINTO-POZOS: Yes, and I -- I will be very
13 brief.

14 HEARING OFFICER SYKES: Thank you.

15 OPENING STATEMENT - Petitioner

16 MR. QUINTO-POZOS: Mr. Hearing Officer, there is a
17 clear presumption that a single-store unit is
18 appropriate. Given that presumption, it is the Employer
19 who has a heavy burden to overcome that presumption.
20 That burden has not been met in five cases so far that
21 have been decided by Regional Directors outside of this
22 Region, and on two different occasions, those Decisions
23 have been reviewed by the Board, and have been affirmed.

24 It is the Petitioner's position that the evidence
25 that will be heard in this hearing is not sufficiently

1 different from what happens outside of this particular
2 District, outside of the particular area in which this
3 petitioned-for store is located, and from what happens
4 in other regions, including the five Decisions that have
5 already been decided in the Petitioner's favor.

6 The Petitioner certainly would object to the
7 relevance of the parties' positions at the bargaining
8 table as it pertains to this particular issue in this
9 hearing. There is no Collective Bargaining Agreement
10 history, at this particular store, or -- or in this
11 District, as has been stipulated to by the parties, and
12 for the -- for these reasons, the Union believes that
13 the evidence in this hearing should compel the same
14 result that has been reached in five prior Decisions.
15 The election should be ordered for this store as an
16 appropriate unit.

17 Thank you.

18 HEARING OFFICER SYKES: Thank you.

19 And as far as the objection, or maybe a motion to
20 strike related to the Buffalo -- I am assuming he was
21 referring to maybe the Buffalo, New York bargaining, I
22 will just say that, you know, the Reader of the Record
23 will accord whatever weight is appropriate to that
24 statement.

25 So, I guess we can go off the record if we are

1 going to...

2

[Off the record]

3 HEARING OFFICER SYKES: On the record.

4 THE COURT REPORTER: We are on.

5 HEARING OFFICER SYKES: Thank you.

6 All right, is the Employer ready to call their
7 first witness?

8 MS. MEYER: We are.

9 The Employer will call Casey Martin.

10 HEARING OFFICER SYKES: Okay, and Casey, if I can
11 just swear you in?

12 (Whereupon,

13

CASEY MARTIN

14 having been sworn/affirmed, was called as a witness
15 herein, and was examined and testified via video-
16 conference, as follows:)

17 HEARING OFFICER SYKES: Thank you.

18 Okay, you may continue.

19 MS. MEYER: Thank you.

20

DIRECT EXAMINATION

21 Q. BY MS. MEYER: Good afternoon, Casey.

22 A. Hello.

23 Q. Can you tell us who your employer is?

24 A. I am employed by Starbucks Coffee Company.

25 Q. And how long have you been with Starbucks?

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1 A. I celebrated sixteen years this past October.

2 Q. And what is your current job title?

3 A. I am a District Manager for District 2087.

4 Q. And how long have you been the District Manager of
5 2087?

6 A. It will be one year in about two weeks.

7 Q. And have you held any other positions with
8 Starbucks prior to becoming a District Manager?

9 A. Yes, I have been a Barista, a Shift Supervisor, an
10 Assistant Store Manager, a Store Manager, and now a
11 District Manager.

12 Q. And who do you report to at Starbucks as the
13 District Manager of District 2087?

14 A. I directly report to Audi Marciano, our Regional
15 Director for Area 61.

16 Q. And then who -- who reports to you as the District
17 Manager?

18 A. I currently have thirteen Store Managers that
19 report to me. Assistant Store Managers would also
20 report to me, but I don't have any on my roster right
21 now.

22 Q. And what are your job responsibilities as the
23 District Manager?

24 A. So, I build the capability of my leaders to inspire
25 their teams to create the Starbucks experience for our

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1 Partners and customers. I work with my Store Managers
2 to create meaningful plans in their stores to achieve
3 results.

4 Q. And what Starbucks Region is District 2087 a part
5 of?

6 A. We are in Region 6.

7 Q. And does that Region have another name?

8 A. South Central.

9 Q. Got it.

10 And what area does District 2087 fall within for
11 Starbucks?

12 A. We are in Area 61, which includes San Antonio, Rio
13 Grande Valley, and Corpus Christi.

14 Q. Okay. And do you have a -- a VP of Regional
15 Operations that covers your District?

16 A. Yes, her name is Traci York.

17 Q. And you said the Regional Director for District
18 2087 is Audi Marciano?

19 A. Yes, ma'am.

20 Q. Do you have a -- well, let me ask you, what is a
21 Partner Resources Manager?

22 A. The Partner Resources Manager works with our
23 Regional Director and DMT's to handle Partner relations.
24 So our Partner Resources Manager is Magnolia Lopez for
25 all of Area 61.

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1 Q. Okay, and is Partner Resources Starbucks' term for
2 human resources, basically?

3 A. Yes.

4 Q. Okay, and -- and you all call your employees
5 "Partners;" is that correct?

6 A. Correct.

7 Q. Regardless of level or position?

8 A. Correct.

9 Q. And you said there are thirteen stores in District
10 2087?

11 A. Yes.

12 MS. MEYER: Now, I am going to share my screen just
13 a second.

14 *[Long pause]*

15 Q. BY MS. MEYER: Can you see that, Casey?

16 A. Yes, ma'am.

17 Q. Can you tell me what this is that I have pulled up
18 on my screen?

19 A. Sure. So each of those maroon dots represents one
20 of the stores in District 2087, classified as sort of
21 North Central. I have got the Medical Center area of
22 San Antonio, and then a small little cluster of stores
23 in our Downtown market.

24 Q. Okay, and so, is this an accurate map of District
25 2087?

1 A. Yes.

2 MS. MEYER: At this time, the Employer would move
3 to admit this as -- I think it will be Employer's
4 Exhibit No. 4.

5 **(Employer's Exhibit 4, marked for identification.)**

6 HEARING OFFICER SYKES: Any -- well, let me first
7 ask, are you able to e-mail this to the Court Reporter,
8 or would you prefer to do that later?

9 MS. MEYER: I can do it. It might be easier if I
10 could do it once we conclude the testimony, and just
11 send all of the exhibits at once.

12 HEARING OFFICER SYKES: Sure.

13 Well, I didn't get the Petitioner's position. Is
14 there any objection to the receipt of Employer's Exhibit
15 1 (sic)?

16 MR. QUINTO-POZOS: No objection.

17 HEARING OFFICER SYKES: Hearing no objection,
18 Employer's Exhibit 1 (sic) is received into evidence.

19 **(Employer's Exhibit 4, received into evidence.)**

20 Q. BY MS. MEYER: Okay, and so, Casey, the cluster of
21 stores at the top, are those the ones that are around
22 the Medical Center?

23 A. Yes.

24 Q. And then the two at the bottom, that's the Downtown
25 area?

1 A. Correct.

2 Q. And do you know approximately the geographic
3 distance that your District covers?

4 A. I believe all of my stores are within a fifteen-
5 mile radius of each other.

6 Q. And what types of stores do you have in District
7 2087?

8 A. Okay, so, of the thirteen stores, I have got four
9 that are café-only, and nine that are drive-through with
10 café.

11 Q. All right, and are all thirteen stores owned by
12 Starbucks?

13 A. Yes. They are company-operated.

14 Q. They are not franchises or anything like that, is
15 that right?

16 A. Correct; they are not.

17 Q. Okay, and have there been any realignments of
18 District 2087 within the last two years?

19 A. Yes. Area 61 went under realignment in January of
20 2022, so effective January 3rd, I have lost six of my
21 previous stores, and picked up seven.

22 Q. And how did that realignment come about?

23 A. We had a lot of growth phase in our area. We have
24 approximately forty stores opening in the next two
25 years, so we wanted to be able to realign the stores to

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1 encompass some of that growth without future
2 disruptions, so the District Manager team got together
3 to propose a new realignment of stores that would
4 encompass the growth that we were experiencing, and
5 submitted that to our Regional Director for approval.
6 We all collaborated together and came up with the
7 realignment decision that went into effect on January
8 3rd.

9 Q. Okay. And were individual Store Managers, were
10 they involved in that decision regarding the District
11 realignment?

12 A. No.

13 Q. And so specifically with respect to your District,
14 can you give us a description of what changed?

15 A. Sure. So prior to the realignment, I actually had
16 a remote market, so I had a store in Uvalde, Texas, a
17 store in Del Rio, Texas, and we opened up a store in
18 Eagle Pass, Texas this past October. After the
19 realignment, all of my stores are now contained in San
20 Antonio, and are much closer together.

21 Q. And all of the Partners in District 2087, what
22 classifications did they fall into?

23 A. So all of the Partners would be Baristas or Shift
24 Supervisors and Store Managers.

25 Q. All right, and does every store in 2087 have a Store

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1 Manager?

2 A. Yes.

3 Q. And you said no Assistant Store Managers in
4 District 2087.

5 A. Not currently, no.

6 Q. Okay. And then, turning to -- sometimes I will
7 refer to it as the "petitioned-for store," do you
8 understand that to be Store 23895?

9 A. Yes.

10 Q. And -- and can you tell us, what is that store
11 referred to as --

12 A. We call that 410 and Vance Jackson.

13 Q. Okay. Who is the Store Manager at 410 and Vance
14 Jackson?

15 A. Alana Taiaroa.

16 Q. Okay, and how long has she been the Store Manager
17 there?

18 A. Approximately a year and a half.

19 Q. And can you describe the petitioned-for store's
20 layout for us?

21 A. Sure thing.

22 So it has got a café, approximately eight to ten
23 tables, two espresso bars, two registers, the usual
24 fruit case, walk-up order scenario. It has got a drive-
25 through section, and bathroom.

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1 Q. And prior to being the District Manager, did you
2 have any experience with the 410 and Vance Jackson
3 store?

4 A. So when I was a Store Manager, I was actually in
5 District 2026 at the time we opened the 410 and Vance
6 Jackson location, so as a Store Manager, I was able to
7 coordinate with that Store Manager, train some of the
8 new partners for the store, and then assist with the
9 store opening.

10 Q. Tell me, how often do you visit the stores in
11 District 2087, on average.

12 A. I usually visit my stores at least once every two
13 weeks.

14 Q. And what is the general purpose of your visits to
15 the store?

16 A. So the reasons vary. We have what is called Period
17 Planning Visits that happen every time we are about to
18 launch a new promotional period. We have Observe and
19 Coach Visits that are follow-up to commitments made as
20 part of the Store Action Plans and prior visits. I do
21 Pop-In visits, just to talk with the Partners and check
22 in on operations.

23 Q. Okay, let's go through each of those.

24 So tell me, first, again, what are Period Planning
25 Visits?

1 A. So we have five periods each year, promotional
2 periods, like winter, spring, summer, holiday, fall. We
3 receive a Period Planning Guide five weeks prior to
4 launch, and then we host a visit in each store that we
5 call a Period Planning Visit, where the District Manager
6 and Store Manager work together on all of the
7 actionables coming out of the Period Planning Guide, to
8 plan for the entire promotional period.

9 Q. And then, what are Observe and Coach visits?

10 A. So, as a part of the Period Planning Visits, we
11 come up with commitments around the Store Action Plan,
12 and what the priorities are for the store. So the
13 Observe and Coach visits are usually to follow-up on
14 those commitments to make sure that plans are running
15 smoothly, remove any additional obstacles, or problem
16 solve.

17 Q. And then, lastly, what are Pop-In's?

18 A. Pop-In's are typically in between my store visits.
19 I will just run into a store, check up on any
20 outstanding facility issues, check in with the Partners,
21 do some of my computer work in the café.

22 Q. And so, how long would you say you typically stay
23 at a store when you are visiting?

24 A. Anywhere between one and three hours.

25 Q. And are you familiar with something called Planning

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1 with Intent meetings?

2 A. Yes. Planning with Intent meetings happen before
3 our Period Planning Visit cycle. They are held at the
4 District level, so I bring all thirteen of my Store
5 Managers together virtually or in-person, to discuss
6 commitments we want to make as a District, leading into
7 the promotional period.

8 Q. And so what kinds of commitments or goals are you
9 setting at the District level?

10 A. Typically what our District-level priorities are
11 and how we want to go after them as a portfolio.

12 So this last Planning with Intent meeting, we were
13 talking about Partner development, and what the
14 expectation, you know, was at each store for Partner
15 development.

16 Q. Okay, and do you hold any other types of weekly or
17 monthly meetings with the stores in your District?

18 A. Yes, I do. So I have a two-weekly huddle meetings
19 with my Store Manager team, one on Mondays and one on
20 Fridays. I also hold roundtables the last week of every
21 month. I hold one for Baristas that work in my
22 District, so each store would schedule one to two
23 Baristas to attend, then hold a second one for Shift
24 Supervisors within my District, just a good way to bring
25 the partners together and let them problem-solve with

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1 each other, experiences -- share experiences with what
2 is happening in the stores.

3 Q. Great. And do you have any other regular
4 interaction with Baristas or Shift Supervisors?

5 A. In the store visits, I regularly interact with the
6 entire team that is on the floor when I visit.

7 Q. And do you have any meetings related to like
8 Partner development with Baristas or Shift Supervisors?

9 A. Yes, ma'am. So I use my Friday call on a rotation,
10 so once a month that call is aimed towards Partner
11 planning, which deals both with staffing and current
12 talent development.

13 Q. And so when you are not physically in a store or
14 participating in one of these meetings, do you still
15 remain in contact with the stores?

16 A. Yes. So I have like regular e-mail communication.
17 We use an application called Workplace by Facebook, for
18 Starbucks Partners, on my cell phone.

19 Q. So, you have a cell phone in connection with your
20 job.

21 A. Yes.

22 Q. And, do you have any other equipment that you use
23 as a DM?

24 A. Yes. I have a laptop and an iPad Mini.

25 Q. Okay, and so what type of Starbucks resources can

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1 you access with those tools?

2 A. I have access to our Starbucks Partner Hub, which
3 is sort of our one main resource to access all of our
4 reporting, company-level communication, resource
5 manuals, quick reference guides...

6 Q. And can you review specific store information
7 through the Partner Hub?

8 A. Yes.

9 Q. What kind of information?

10 A. So, stores would be able to access any company-
11 level updates for the store. Our Decision Center holds
12 all of our metric-level reporting.

13 Oh, what else? Store hours, inventory; that all
14 happens through the Partner Hub, as well.

15 Q. So just a variety of store metrics --

16 A. Yes.

17 Q. -- and data and information?

18 A. Yes.

19 Q. And how do you communicate with your Store Managers
20 when you are not in a store?

21 A. So, I use a plethora of methods. Sometimes I will
22 send an e-mail out to the entire group, individual e-
23 mails for follow-up, or I will utilize our Work Chat or
24 Workplace platform, on regular occasions to update them
25 on the business, the portfolio, our priorities, and

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1 disseminate information that is coming on my area calls.

2 Q. And aside from the, you know, huddles and meetings
3 that you mentioned, do you have contact with individual
4 Store Managers?

5 A. Yes.

6 Q. And how frequently would you say you speak with or
7 communicate with each Store Manager?

8 A. Okay, typically anywhere from one to four times a
9 week.

10 Q. And are Store Managers able to communicate with
11 other Store Managers in the District?

12 A. Yes, ma'am. They can utilize the Work Chat to be
13 able to communicate to all of the other Store Managers
14 at one time.

15 Q. And so, what is Work Chat?

16 A. Work Chat is a part of the Workplace by Facebook
17 app, so it's Workspace and Facebook Messenger, but I
18 have a 2087 group that consists only of myself and my
19 thirteen Store Managers.

20 Q. And do you ever get contacted directly by Partners
21 in the store?

22 A. Yes. Yes. So my business card that has my phone
23 number and e-mail, and is hanging up in all thirteen of
24 my stores, so Partners are free to contact me via e-
25 mail, phone call, or stop me when I am in their store.

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1 Q. Got it.

2 Okay, so turning to your District, who would be
3 involved in a decision to remodel a store, open a store,
4 or close a store?

5 A. So, for opening, closing, and remodeling, the
6 decision is actually made between our Regional Director
7 and Store Development Team.

8 Q. So does -- do the individual Store Managers of the
9 affected stores, do they play any role in that decision?

10 A. No.

11 Q. Do --

12 A. They would play a role in maybe providing insights
13 on what layouts would work best for this store, but that
14 would be after the decision is already made.

15 Q. Got it.

16 And what about decisions for facility upgrades,
17 that stores in like 2087, like a new oven or a new
18 espresso machine, how are those decisions made?

19 A. So they are handled by our Facilities Service
20 Manager for the area, and approved by our Regional
21 Director.

22 Q. Are there any upgrades planned for the petitioned-
23 for store currently?

24 A. Yes, there is a capital expense upgrade planned for
25 this stop. We refer to it as a MOP Chop. It stands for

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1 Mobile Order and Pay/Customer Hand-Off and Pay. We are
2 just looking to extend the amount of counter space for
3 mobile order storage for order that are ready to be
4 picked up.

5 Q. Okay. And what was your role in that decision?

6 A. Actually, I was the one that requested the -- that
7 the work be done to our Facilities Service Manager, but
8 that was the only role I played thus far.

9 Q. And does the Store Manager play a role in making
10 the decision or giving approval to get a facilities
11 upgrade?

12 A. No.

13 Q. Do you have individual store budgets for facilities
14 upgrades?

15 A. No, our facilities budget is done area wide.

16 Q. And so, if something breaks down in a store, what
17 is the process for handling that?

18 A. So, Shift Supervisors or Store Managers would
19 access the My Daily application on their iPad to submit
20 a work request, or they could call our Facilities
21 Contact Center to submit a work request. That request
22 would get sent to our Facilities Service Manager who is
23 in charge of dispatching the work request, based on
24 priority.

25 Q. And so who can submit those types of facilities

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1 requests?

2 A. Anyone at the store level can submit the request,
3 but only the Facilities Service Manager approves an
4 dispatches them.

5 Q. So, it -- it doesn't necessarily have to go through
6 the Store Manager?

7 A. Not necessarily, no.

8 Q. Okay. And then, the facilities issues are handled
9 by the Facilities Services Manager?

10 A. Yes.

11 Q. And --

12 A. By our FSM's.

13 Q. And how are FSM's assigned --

14 A. They are assigned by area.

15 Q. And who is responsible for, like say, if the store
16 needs a plumber or a -- a vendor or a service provider?
17 Who is responsible for engaging those people?

18 A. The Facilities Service Manager.

19 Q. Okay. Are the same types of products and supplies
20 used in all of the stores in your District?

21 A. Yes.

22 Q. And how do the stores go about obtaining the
23 products and supplies?

24 A. So, stores are on two different order cycles. They
25 place an order cycle from our Central Distribution

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1 Center; that is delivered daily. Then, they place an
2 order from our Regional Distribution Center that is
3 delivered weekly.

4 Q. And so, all of the stores in the District, their
5 supplies come from one of those two Distribution
6 Centers?

7 A. Correct.

8 Q. And so, how are these orders placed?

9 A. So, we use a company tool called the Power Builder
10 Tool. It is an Excel spreadsheet that is available on
11 the Partner Hub.

12 You would enter in your store number, some
13 clarifying information around order cycles, and it would
14 populate PAR's based on what is ran into your system,
15 and your order history at the store.

16 Q. And so, is that based on like an algorithm?

17 A. Yes.

18 Q. Okay, and what would -- what discussions would the
19 Store Manager have with respect to the PAR Builder, or
20 using the --

21 A. They have the discretion to make adjustments if the
22 PAR's aren't meeting the business needs. If they are
23 ordering to PAR and not having enough product, they are
24 allowed to adjust what is called the Safety Stock on the
25 PAR, to allow them to have higher -- a higher amount of

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1 on-hand product for some of our more fluctuating items
2 or like a more tourist-central type store, but the
3 process for ordering to the PAR wouldn't change; just
4 the actual PAR would change.

5 Q. Got it.

6 And, what is IMS?

7 A. IMS is our Inventory Management System, the
8 application found in the Partner Hub where orders are
9 placed, inventory counts are completed, and store
10 transfers are completed.

11 Q. And then, do you also have an automatic ordering
12 system for some products?

13 A. Yes. So all of our food products, our fresh lunch
14 and our bakery items, are done on an automated ordering
15 system. It relies on the information placed in the
16 system through inventory counts and receiving.

17 Q. And can Store Managers make any adjustments to the
18 automatic orders?

19 A. No.

20 Q. So the only thing they can really control is the
21 adjusting PAR'S?

22 A. correct.

23 Q. And so what happens if a store in your District
24 runs out of supplies, like milk, for example?

25 A. There are some instances where we would outside

1 source. So first, we would check other stores'
2 inventory levels, like, for instance, milk. We would
3 check if other stores in the area had an excess to spare
4 first. For milk, we are approved to go and buy
5 alternatives. We have a list of approved items that can
6 be substituted out with commercial items. We also have
7 a list of Starbucks-only items, that we can only borrow
8 from each other if we are out of.

9 Q. So, stores among the District can share supplies if
10 one store runs out?

11 A. Absolutely.

12 Q. Okay.

13 A. That is our regular practice given our inventory
14 constraints currently, especially with our Regional
15 Distribution Center being in Dallas-Fort Worth, we have
16 experienced a lot of constraints on our weekly orders
17 over the last several weeks due to weather. We have
18 really relied on balancing the product among the
19 District to be able to serve as many customers as
20 possible.

21 Q. Well -- well, you are answering the questions
22 before I even ask them.

23 What -- so if a store has to go get supplies from
24 another store, who can -- who can do that, or how does
25 that -- how does that happen?

1 A. So, any Partner can go and pick up supplies from
2 the stores, with the exception of Partners who are
3 minors. We won't ask them to use their vehicle to go
4 pick up another item from a store. Partners will be
5 paid for their time spent picking up items, and can be
6 reimbursed for mileage, but any Partner can be sent to
7 pick up items the store -- from a store that is willing.

8 Q. And have you ever personally gotten involved in
9 assisting with supply issues?

10 A. Yes. My car is a regular Starbucks taxicab. We
11 have had issues where orders are delivered to the wrong
12 store. I fortunately drive an Explorer and can fold all
13 of the seats down, and have moved an entire store order
14 between two of my stores.

15 Q. Okay, so, how do stores determine the placement of
16 merchandise?

17 A. The placement of merchandise is all done via a tool
18 called Siren's Eye. It is a part of our Period Planning
19 Guide. It will show where all of the retail items
20 should be placed, and how retail items should be grouped
21 for our food case, retail wall base, impulse displays,
22 and registers.

23 Q. And are Store Managers expected to follow the
24 Siren's Eye?

25 A. Yes.

1 Q. Okay, and do you do any kind of checks or -- or
2 follow-up?

3 A. On Launch Day, I am typically out in stores in --
4 in stores doing a Launch tour, so I will stop by three
5 or four stores on Launch Day, and just follow-up on all
6 of the signage, Siren's Eye, and training for each
7 promotional period.

8 Q. And how are the prices set for Starbucks' menu
9 items and merchandise?

10 A. They are all at the company level via the pricing
11 zones. So whatever zone a store is in, the prices are
12 set for all stores in that zone.

13 Q. And are Store Managers able to change prices or run
14 their own discounts or specials?

15 A. No.

16 Q. Okay. What about -- what about menu items? Can
17 Store Managers create their own menus?

18 A. No. We have had promotions in the past where
19 Partners have maybe shared a recipe and put it on
20 broadcast at the store, but it doesn't become like a
21 menu item.

22 Q. Okay. Now, I want to turn a little bit to a
23 discussion of hiring.

24 Have you held any job fairs in District 2087?

25 A. Yes, in the last year, we have had two job fairs;

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1 one in April of 2021, and the other in October of 2021.

2 Q. Okay. We will start with the one that was in April
3 of 2021.

4 What was the purpose of that job fair?

5 A. So we were trying to hire for what was an unusually
6 busy summer for us. We needed Barista help for the
7 entirety of the District. So I had about six Store
8 Managers get together post-day hiring fair, at one of
9 our stores, interviewed for the entire District.

10 During our part of Planning Calls, we go over
11 Barista and shift-level needs, so we went into the
12 hiring fair with a number of what we would need to
13 balance the whole District.

14 Q. Okay. I am going to pull up another document, and
15 Casey, I will scroll all the way down so you can see the
16 full page.

17 A. Okay.

18 Q. Do you recognize this document?

19 A. Yes, this is actually an invite from my Store
20 Manager named Samantha Perdue, who was the one who led
21 and organized the hiring fair. She did invite all Store
22 Managers from District 2087. Alana Taiaroa, Ashley
23 Ortiz, was a Training Store Manager at the time, within
24 our District.

25 Q. Okay, and so, I see -- the two-line e-mail address

1 or addressed to DL - District 2087, who is on that
2 recipient list?

3 A. That will be myself and Store Managers within that
4 District.

5 Q. Okay, so this went out to all Store Managers in
6 District 2087?

7 A. Correct.

8 Q. And then, how many did you say -- or how many Store
9 Managers participated in the job fair?

10 A. I believe it was six.

11 Q. And Alana Taiaroa is the Store Manager of the
12 petitioned-for store?

13 A. Yes, ma'am.

14 MS. MEYER: At this time, the Employer would like
15 to enter -- I guess this would be Employer's Exhibit 5,
16 into evidence.

17 **(Employer's Exhibit 5, marked for identification.)**

18 MR. QUINTO-POZOS: No objection.

19 HEARING OFFICER SYKES: Is this 5 or is this
20 Exhibit 2?

21 MS. MEYER: Well, we had marked the exhibits in the
22 stipulation as Employer's Exhibit 1 through 3, and so I
23 started with our first exhibit with this witness as 4,
24 and then this would be our second, so that would be
25 Employer's Exhibit 5.

1 HEARING OFFICER SYKES: The stipulations in the
2 Board Exhibit?

3 MS. MEYER: Yeah, in Board's Exhibit 2.

4 HEARING OFFICER SYKES: Oh. Yeah, I think we would
5 just have you -- that would be our exhibit, and then
6 this would be 2, is how we would want to do it.

7 MS. MEYER: Well, Board's Exhibit 2, with the
8 stipulations references some Employer exhibits, and so
9 we have labeled those within the stipulation, like --
10 like the aggregated data and the expert's CV, and the
11 expert's report, we had already previously labeled
12 those, or referenced them in that stipulation, as
13 Employer's Exhibit 1, 2, and 3.

14 MR. QUINTO-POZOS: And there are also some
15 Petitioner's Exhibits 1 and 2 referenced in the
16 stipulations.

17 MR. RAHHAL: That's how it was normally done in the
18 other cases. We would mark them, we would make them
19 part of the stipulation, but then we would refer to them
20 throughout the hearing as they had been previously
21 marked.

22 HEARING OFFICER SYKES: Okay, well, then if you
23 guys aren't confused, and if at the end the Court
24 Reporter is not confused, then, okay. We can go ahead
25 and --

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1 MS. MEYER: We will make sure every one is clear at
2 the end about what our exhibits are.

3 HEARING OFFICER SYKES: Okay.

4 Q. BY MS. MEYER: Okay, Casey --

5 HEARING OFFICER SYKES: Well, I guess I didn't say,
6 "Hearing no objections..."

7 Employer's Exhibit 5 is admitted into evidence.

8 MS. MEYER: Yes.

9 HEARING OFFICER SYKES: Okay.

10 MS. MEYER: Thank you.

11 **(Employer's Exhibit 5, received into evidence.)**

12 Q. BY MS. MEYER: Casey, did the Store Manager for
13 Store 23895 participate in the April 2021 job fair?

14 A. Yes.

15 Q. And so the Store Managers that participated, were
16 they hiring for their particular stores, or were they
17 hiring for the District, as a whole?

18 A. They were hiring for the District as a whole.

19 Q. Okay, so they might be interviewing candidates that
20 were never intended to work at their specific store; is
21 that right?

22 A. Correct.

23 Q. Okay.

24 A. Yes.

25 Q. Okay, and were any candidates hired out of that job

1 fair?

2 A. We hired two.

3 Q. And I believe you also referenced a second job fair
4 in September 2021?

5 A. Yes. So we had a new store that was opening in
6 October. The job fair might have actually been in
7 August instead of September. I am trying to think of
8 how many weeks it -- it might have been in August. But
9 we hosted a hiring fair in Eagle Pass to staff our new
10 store opening. It is a remote store, so we knew we
11 would have to do all of the hiring locally.

12 Q. Okay, I am going to share my screen again.

13 *[Long pause]*

14 Q. Okay. Casey, I will start with this bottom e-mail.
15 Can you tell us -- well, tell me what this whole
16 document is.

17 A. Sure. So that is an e-mail to a team of three
18 Store Managers from my District, so Alana Taiaroa and
19 Abigail Gonzalez are both Store Managers in San Antonio.
20 Nancy Martinez was the Manager of our Uvalde location.
21 **(Employer's Exhibit 6, marked for identification.)**

22 So, I had worked to put these three Store Managers
23 together to start to execute on staffing, and some of
24 the eight-week plans for the store. We have an eight-
25 week timeline provided by the Company of actions to take

1 prior to any new store opening.

2 I did not have a Store Manager slated for the new
3 store opening at this time, so I asked these three
4 Managers to please step in, lead the way with staffing
5 for the store, as soon as possible.

6 I was looking to hire the Shift Supervisor team
7 first, so that they could train in our Uvalde store, and
8 then hiring the Barista team next.

9 Q. And so, these were all Store Managers of stores
10 within the District at the time -- at the time that
11 Alana, Abigail and Nancy --

12 A. Yes.

13 Q. Okay. And again, just to be clear, they weren't
14 looking to hire for their own particular stores. They
15 were going to be hiring for a new store that was opening
16 up?

17 A. That is correct. They were doing virtual
18 interviews with candidates in Eagle Pass, Texas, to be
19 able to hire and onboard a team out there.

20 Q. And so did Alana end up participating in this
21 project?

22 A. Yes.

23 Q. And were any Partners hired as a result of this
24 particular job fair?

25 A. Coming out of the job fair, I believe we had about

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1 twenty candidates hired. By the time we opened the
2 store, we had opened 45.

3 MS. MEYER: At this time, the Employer would move
4 to enter this document as Employer's Exhibit 6.

5 MR. QUINTO-POZOS: No objection.

6 HEARING OFFICER SYKES: Hearing no objection,
7 Employer's Exhibit 6 is entered into the record.

8 **(Employer's Exhibit 6, received into evidence.)**

9 Q. BY MS. MEYER: And so, aside from the job fair
10 process, what is the application process for people that
11 want to work at Starbucks?

12 A. First, they would visit our website,
13 starbucks@starbucks.com/careers. They would be able to
14 fill out an application based on our requisition, and
15 they could fill out an application for any number of
16 stores at a time.

17 Q. And then, do you have another software program that
18 manages the application process?

19 A. Yes, ma'am. All of our recruiting is done through
20 Taleo.

21 Q. And when employees -- I'm sorry, when applicants
22 apply for a position at Starbucks, are they limited to
23 applying to a specific store?

24 A. They can apply to as many store locations as they
25 would like to.

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1 Q. And what about Store Managers or people on the
2 Starbucks side that are looking to do hiring? What
3 access to candidates do they have through Taleo?

4 A. Store Managers have access to all of the Barista
5 and Shift Supervisor applications that are directly to
6 their store within Taleo. If an application goes
7 unprocessed and unreviewed for too long, the application
8 is released to the pool, so my Store Managers also have
9 the option to view their pool as a default 10-mile
10 radius from their store, and uses the candidates address
11 to pull any potential applicants who may have just
12 oversight and not just applied to their specific
13 location.

14 Q. So, they have the ability to view applications for
15 people who have applied to different stores within the
16 geographic region?

17 A. Yes.

18 Q. And when an applicant is brought in for an
19 interview, who typically conducts those?

20 A. Store Managers.

21 Q. What tools do they use in conducting those
22 interviews?

23 A. We have a Barista Interview Guide, and a Shift
24 Supervisor Interview Guide.

25 Q. All right, and what is set forth in the Interview

1 Guides?

2 A. So it has got a rubric for how to grade the
3 interview. We used what is called a "Star Format" for
4 our interview notetaking, and then it has got a list of
5 pre-approved questions that are broken down by sections.
6 So we bucket everything into three categories for our
7 Partners; Achieving results, Living Our Mission and
8 Values, and Helping Others Succeed.

9 So, there is an option of three different questions
10 within each category, and the expectation is that you
11 would ask at least one question from each category, the
12 other two being there should you need more information
13 from a candidate.

14 Q. And are Store Managers expected to follow these
15 guides in conducting the interviews?

16 A. Yes, and they are also expected to take digital
17 notes on our Taleo System for those interviews.

18 Q. And do you ever participate in interviews, or have
19 you ever participated in interviews as the District
20 Manager?

21 A. Yes. I set in and observe my Store Manager doing
22 interviews, so as the District Manager.

23 Q. Okay. And are you involved in hiring decisions, at
24 all?

25 A. Yes. So, anytime we have a Partner who is applying

1 that is a previous Starbucks partner, does need the
2 District Manager approval, as well as approval from our
3 Partner Relations Department, and then anytime that we
4 would want to bring in someone at a different pay rate
5 than our starting rate, it would need to involve me, as
6 well.

7 Q. And who is responsible for hiring Assistant Store
8 Managers in your District?

9 A. I am.

10 Q. All right, and does the Store Manager play any role
11 in that?

12 A. Not in the hiring process, no.

13 Q. And who makes the determination of when or where an
14 Assistant Store Manager is needed?

15 A. I would, in conjunction with my DM peers.

16 Q. What if a Partner wants to transfer to a different
17 store? Who has to approve that decision?

18 A. District Manager. So the Partner would have to
19 fill out a Transfer Request Form, submit it to their
20 Store Manager, then the Store Manager would submit it to
21 their District Manager, and then I would send it over to
22 the receiving District Manager.

23 Q. Once a candidate is selected, do they -- what --
24 what is the onboarding process for them?

25 A. So we do our Taleo onboarding process, that walks

1 them through their I-9, W-4, it has them read the
2 Partner Guide, go through that level of onboarding, and
3 then we do an orientation in the store, that we call our
4 "First Sip." This introduces Partners to the mission
5 and values of the Company, a little bit of Company
6 history, run through the benefits, and then they will
7 get a chance to review their training plan, which we
8 call the Barista Basics Training Plan.

9 Q. So, let me start with the orientation.

10 Do all new Partners go through that First Sip
11 orientation?

12 A. Yes.

13 Q. And it is the same content regardless of store?

14 A. Yes, as a PowerPoint, yes, that is provided by the
15 Company.

16 Q. Okay. And what about Barista Basics? Is that the
17 -- the same content regardless of store?

18 A. Yes, correct.

19 Q. Okay, and that is the training plan for new
20 Baristas; correct?

21 A. Yes.

22 Q. Okay, and who is responsible for training new
23 Partners?

24 A. So, we have a role called Barista Trainer. They
25 are responsible for training new Partners. They have

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1 undergone training over our teaching model, they have
2 gone through the Barista Basics Training Plan, and each
3 Barista should be assigned one Barista Trainer.

4 Q. And where does the training content come from?

5 A. It comes from the Partner Hub in the Barista Basics
6 Training Plan. It is available on the store iPads and
7 the store Back-of-House computer.

8 Q. And the -- does the Barista Basics training, or --
9 well, let me ask you...

10 Is there any store-specific training for different
11 stores in your District?

12 A. The only differences would be that if you were
13 hired at one of my café stores, you wouldn't do the
14 particular Barista Basics block that teaches you the
15 drive-through. If you were hired at one of my drive-
16 through and café stores, you would do the drive-through
17 training block, but it is all a part of the same Barista
18 Basics training plan. You would just remove certain
19 blocks out or add in certain blocks if the store had a
20 different complexity.

21 Q. And where do Partners do their training?

22 A. They can do their training at any Starbucks
23 location. So the beauty of having a universal training
24 program is that we can train Partners at any store in
25 our District for any other store in our District.

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1 Q. And is it common to send Partners to other stores
2 in the District to be trained?

3 A. Yes.

4 Q. Do you see that a lot in your District?

5 A. Yes.

6 Q. And let me -- I don't think the term has come up
7 yet in this hearing, but can you tell us what the term
8 "Home Store" refers to?

9 A. It is Starbucks lingo.

10 The Home Store would be the store that you are
11 assigned to as a Partner, so that -- if you would open
12 up the Partner Hours Scheduling System, that is the list
13 that you would populate on. If you were to open up our
14 Manager Self-Service for like a promotion or a
15 separation, that is the list that you would populate on.

16 We refer to that as our Home Store, but Baristas
17 can borrow on and work at any of our Company-operated
18 locations.

19 Q. Sure. And so, who decides where Partners will do
20 their training, whether it is at their Home Store, or
21 somewhere else in the District?

22 A. Typically a decision that we collaborate on during
23 our Partner Planning meetings, so if I have a store, for
24 example, that needs help with hiring and staffing,
25 obviously if you need to hire six employees, you don't

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1 have the bandwidth to necessarily train all six
2 employees at one time, so we use our Partner Planning
3 calls to balance that work and allow my stores that have
4 adequate or above adequate staffing levels to support my
5 training of new Partners.

6 Q. And so that is something that is discussed among
7 Store Managers at the District level?

8 A. Yes.

9 Q. And then, specifically, with respect to the
10 petitioned-for store, did that store train Partners from
11 other locations within the District?

12 A. Yes, and last year, that store has trained 21
13 Partners for I believe four to five stores in the
14 District.

15 Q. Any particular reason for that?

16 A. The store has had excellent staffing levels since I
17 took over as the District Manager, and the Store Manager
18 just stays ahead of all of her Partner Planning needs,
19 and she has got a very capable team that enjoys helping
20 out the District.

21 Q. What is the job promotion process called at
22 Starbucks?

23 A. Partner Development and Promotion.

24 Q. Okay.

25 A. The Starbucks specific term, sorry.

1 Q. So, who makes the decision on promoting a Barista
2 to a Shift Supervisor?

3 A. So that would typically be a Store Manager level
4 decision, but it does go through our Taleo process. So,
5 any enrolled Barista would have to apply to an open
6 shift Supervisor requisition at a store to be considered
7 for that promotion.

8 Q. And do you have any specific instructions to Store
9 Managers regarding, you know, the promotion process to
10 Shift Supervisor?

11 A. I do. So in my District, if the Store Manager
12 wants to promote one of their own Baristas, they do have
13 to reach out to a peer Store Manager to do that
14 interview.

15 Q. And what is the purpose of having a different Store
16 Manager involved in the interview?

17 A. It is really just a way to remove any internal bias
18 that that Store Manager may have out of their experience
19 of working with that individual for an extended period
20 of time.

21 Q. And so we talked about Baristas applying for Shift
22 Supervisor positions at their own store. Are they
23 limited to just promotions at their own store?

24 A. No. So at the District level, we will communicate
25 any Shift Supervisor opening on the My Daily Message

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1 Board that is available on the store iPads to all
2 partners, to all of the stores within the District,
3 sometimes even going outside of the District to stores
4 that are close in proximity, but our hourly Baristas
5 also have access to any open Shift Supervisor
6 requisitions that are on our Taleo page.

7 Q. All right, and then who would make the decision to
8 promote a Shift Supervisor to an Assistant Store Manager
9 position?

10 A. The District Manager.

11 Q. And with respect to Assistant Store Managers, how
12 do you -- have you had one in your District since you
13 have been District Manager?

14 A. Yes. So, I have had three different Assistant
15 Managers in my District. Most recently, the last
16 Assistant Manager was promoted to Store Manager two days
17 ago, so.

18 Q. So, specifically, with respect to her, or with
19 respect to Assistant Store Managers, how -- are they,
20 you know, permanently assigned to one store in the
21 District, or can they work in multiple stores?

22 A. They do have a home store that they are attached
23 to, but we have the flexibility to be able to let them
24 work in multiple stores. They are attached to a
25 timecard, so they would just need to be coded

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1 appropriately, but it would be the District Manager's
2 decision to rehome them into another store.

3 Q. Okay. And then, with respect to the Assistant
4 Store Manager that was recently promoted, how many
5 stores did she work in as an Assistant Store Manager?

6 A. Three. And they were all within the 2087.

7 Q. And what's the purpose of having the Assistant
8 Store Manager work in multiple stores across the
9 District?

10 A. It gives them a chance to problem solve, different
11 complexities in different stores, get shoulder-to-
12 shoulder time with different Store Managers who have
13 different leadership styles and approaches, and it just
14 gives them a little bit more insight into what is going
15 to be expected of the out of that role.

16 Q. Who sets the store hours of operation for stores in
17 your District?

18 A. I do.

19 Q. And what do you base those hours on, or how do you
20 determine hours?

21 A. So, District Managers receive a reporting called
22 the Hours of Operation Optimization Report. It is an
23 Excel spreadsheet that basically runs our margins the
24 first hour and the last hour of business, to see if
25 there is an opportunity to expand or constrict our

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1 hours.

2 Q. And is that tool, or is that information limited to
3 District Managers?

4 A. District Managers and above, yes.

5 Q. Okay, so Store Managers don't receive it?

6 A. Correct. They do not.

7 Q. And do you -- do you set different store hours or -
8 - do you -- do the store hours vary across the stores in
9 your District?

10 A. Yes.

11 Q. Could a Store Manager change their store hours if
12 they wanted to?

13 A. They would have to partner with me to be able to
14 change their store hours. Official the store hours are
15 kept in our Inventory Management System, and it is only
16 the DM level access that can change those store hours
17 within the system.

18 Q. Okay.

19 *[Long pause]*

20 Q. Okay, Casey, I am sharing another document.

21 All right, now, can you tell me what this document
22 is, please?

23 A. Sure. This is an e-mail from my Store Manager at
24 the petitioned-for store, Alana. She was discussing the
25 potential to want to reduce her hours in the summer.

1 The AT&T store next to her had experienced a robbery,
2 and had changed their store hours last month, to close
3 at 8:00 p.m., due to the Academy Store next door still
4 closing at 9:00. The Partners were all still
5 comfortable maintaining their operating hours of a 9:30
6 closure. We were looking at in the summer to
7 potentially dialing that back to 9:00 p.m., in the
8 interest of Partner safety, so this is just her reaching
9 out to let me know that that is on her mind, and she
10 would want to Partner with it.

11 Q. And, so, ultimately to change those hours, that
12 would have to be something that -- that you did?

13 A. Correct.

14 Q. So what was the particular concern or why did you
15 understand her to be asking about changing hours?

16 A. We had had regular discussions since the AT&T next
17 door had been robbed. It is a -- it is one of my higher
18 incident level stores. We didn't want the Partners to
19 be in the store if all of the other buildings in the
20 parking lot were going to be closed without employees.
21 So the fact that Academy was still open, had employees
22 at the store until 10:00 p.m., the Partners were
23 comfortable still staying with our regular hours.

24 Q. And have you worked on any other or have you been
25 involved in any other discussions regarding like safety

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1 measures that could be implemented at the store, or, you
2 know, participated in any safety initiatives for this
3 store?

4 A. Yes. So we have done a lot of work over the last
5 six months to build a relationship with our local SAFFE
6 Officer. They are a subsidiary of the San Antonio
7 Police Department that deals with typically homeless and
8 transient issues. So we have done a lot of work with
9 them to build a safer environment for our teams, and
10 make sure that we are following up on incidents
11 appropriately, and actually, last Saturday hosted a
12 "Coffee With a Cop" event, where we invited out those
13 Safety Officers, and they helped on the floor with the
14 Baristas. We brought out the Del Rio Community Center
15 to offer support.

16 Q. And you were directly involved in those activities,
17 correct?

18 A. Yes. I was there all day.

19 Q. Okay.

20 MS. MEYER: At this time, I would like to enter --
21 this will be Employer's Exhibit 7, into evidence.

22 **(Employer's Exhibit 7, marked for identification.)**

23 HEARING OFFICER SYKES: Any objection?

24 MR. QUINTO-POZOS: No objection.

25 HEARING OFFICER SYKES: All right, hearing no

1 objection, I am going to admit Employer's Exhibit 7 into
2 evidence.

3 **(Employer's Exhibit 7, received into evidence.)**

4 MS. MEYER: Thank you.

5 Q. BY MS. MEYER: I think we have touched on this a
6 little bit, Casey, but let me ask you, how are staffing
7 needs determined for your district?

8 A. So the Company provides what is called a Partner
9 Planning Tool that is available to each Store Manager.
10 It takes the average number of Partners set at a Company
11 average of twenty hours, to let them know how many
12 Partners they would need to staff to meet their future
13 labor forecast for current month and two future months.
14 I receive the same reporting on the portfolio level,
15 that will tell me as a District, how many Partners we
16 would need to hire to meet that expectation.

17 Q. And are these numbers and reports Discussed at the
18 District level?

19 A. Yes. So, we discuss those on our Partner Planning
20 calls. Each Store Manager specifies how many Baristas
21 or Shift Supervisors they are looking for, gives any
22 specifics around day part, number of hours, full-time,
23 part-time, so that those stores that are fully-staffed
24 can still use that same amount of time hiring each week,
25 but support their neighbors.

1 Q. And so what do you mean by "using the same amount
2 of hiring time to support their neighbors?"

3 A. Well, I ask each of my Store Managers to dedicate
4 at least two hours of their week to sourcing and
5 interviewing candidates, regardless of their hiring
6 needs, because we always have hiring needs within our
7 District.

8 Q. So, those Store Managers, even if they are not
9 hiring for their own store, they would still be helping
10 out with interviewing candidates for other stores?

11 A. Yes, or they could repurpose that time to interview
12 for promotions for other stores.

13 Q. And how is the number of labor hours for each store
14 in your District determined?

15 A. It is determined based on the forecast that
16 populates through our Starbucks Partner Hours System.

17 Q. And what is that forecast based on?

18 A. It is based on historical, sales, trends for the
19 last six weeks and the last two years.

20 Q. And so what do -- do the Store Managers have access
21 to that information?

22 A. Yes, so it is contained in a weekly labor recap,
23 and is available for current week and future two weeks
24 that we post schedules for. It is the expectation that
25 the Store Managers would build a schedule that reflects

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1 the forecast, and they would need to partner with their
2 District Manager if they were looking to schedule above
3 their forecasted hours.

4 Q. So they don't have the unilateral authority to
5 divert or schedule beyond what is in the forecast?

6 A. Correct.

7 Q. And what are labor investments?

8 A. Labor investments are any time a Store Manager sees
9 a growth opportunity and wants to be able to schedule
10 above the forecast, to attempt to capture that growth
11 opportunity.

12 So we look at forecasted hours, and once the week
13 is said and done, we return with earned hours, and so
14 the labor investment would be a case that says, "We are
15 going to earn these hours back if we invest them by the
16 number of sales and transactions we get from having that
17 extra partner on the floor, and then you would measure
18 the success of the labor investment once the earned
19 reporting comes up.

20 Q. And, so, as the District Manager, do you have to
21 review and approve those labor investments?

22 A. Yes.

23 Q. Okay, I am sharing another document.

24 **(Employer's Exhibit 8, marked for identification.)**

25 Q. BY MS. MEYER: Okay.

1 A. This is showing an e-mail from my Store Manager,
2 Alana, at the time back in November, five out of seven
3 members of her Shift Supervisor team had been with the
4 company for six months or less.

5 As a result, she was looking to schedule additional
6 twelve to fifteen hours a week so that she could extend
7 the overlap between Shift Supervisors and day Partners,
8 to help them build their capabilities, and then invest
9 in the potential Concierge's position as their mobile
10 order was picking up in volume.

11 Q. And so, she is kind of making her case here to you,
12 as to why she should be approved for a particular labor
13 investment?

14 A. Correct. Yeah, she is breaking down what the
15 investments are for, and what she is expecting to see
16 out of them.

17 Q. Okay. And do you -- do you ask for that
18 information when a Store Manager is coming to you about
19 a labor investment?

20 A. Yes.

21 Q. Thank you.

22 MS. MEYER: So, at this time, I would like to move
23 for Employer's Exhibit 8 to be entered.

24 MR. QUINTO-POZOS: No objection.

25 HEARING OFFICER SYKES: Hearing no objection,

1 Employer's Exhibit 8 is admitted into the evidence.

2 MS. MEYER: Thank you.

3 **(Employer's Exhibit 8, received into evidence.)**

4 Q. BY MS. MEYER: Okay, I have a couple more documents
5 that I would like to now show you.

6 **(Employer's Exhibit 9, marked for identification.)**

7 Q. BY MS. MEYER: Do you recognize this document?

8 A. Yes.

9 Q. Yeah, please take your time to review it if you
10 need to.

11 A. Yes, so this is actually me following up. Every
12 Tuesday I look at the past week's schedule, current
13 week's schedule, and the next week's schedule. So this
14 is one of those times that I saw investments above the
15 forecast, and did not have prior knowledge to why. So
16 here I am reaching out to my Store Manager to explain
17 why she scheduled over her forecast.

18 Q. Okay, so this chart at the bottom, that information
19 is --

20 A. Yes, that is the weekly recap that I referenced
21 earlier.

22 Q. Okay.

23 A. And her response is why -- why she made the
24 investments and what they were being utilized for.

25 Q. Okay. Do you recall whether or not you approved

1 the labor investments in this situation?

2 A. I did.

3 MS. MEYER: And so, at this time, I would like to
4 offer Employer's Exhibit 9 into evidence.

5 MR. QUINTO-POZOS: No objection.

6 HEARING OFFICER SYKES: Hearing no objection,
7 Employer's Exhibit 9 is admitted into evidence.

8 **(Employer's Exhibit 9, received into evidence.)**

9 Q. BY MS. MEYER: Casey, are you familiar with
10 something called non-coverage hours?

11 A. Yes.

12 Q. Okay.

13 A. That is one of the codings of hours in our labor
14 system, so "non-coverage" is geared towards hours spent
15 not on the floor in production. So, things like tips,
16 interviews, Partner one-on-ones, Partner development
17 conversations. Those would all be included in non-
18 coverage.

19 Q. And so how are non-coverage hours allotted amongst
20 the stores in your District?

21 A. So each store is given a quarterly budget for non-
22 coverage, and I am ultimately responsible for a District
23 budget. Programming automatically splits it evenly
24 between the stores, but I have the flexibility to allow
25 some stores to go over budget if I have other stores

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1 coming in under budget.

2 Q. Okay, and so, that is looked at on the District
3 level?

4 A. District level and Area level.

5 Q. Okay. And with respect to overtime, who makes the
6 decision to approve those hours?

7 A. District Managers need to approve overtime.

8 Q. So, Store Managers don't have unilateral authority
9 to approve those hours?

10 A. Correct.

11 Q. So, can you tell us what are the general
12 responsibilities of the Store Managers in your District?

13 A. So, Store Managers are responsible for creating
14 what we call a "Store Manager Approach," so we break out
15 eight different buckets of responsibility for our Store
16 Managers. They include Staffing and Scheduling,
17 Teaching and Training, Inventory and Sales, Ops
18 Standards, Continuous Improvement, Prioritizing and
19 Planning, Coaching for Performance and Development, and
20 Culture and Effective Communication, and lastly,
21 Business Analysis and Problem-Solving.

22 Q. And how many hours per week are Store Managers
23 scheduled to work?

24 A. Forty.

25 Q. And so who -- are -- are there times when the store

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1 is open beyond the Store Manager's forty hours?

2 A. Absolutely.

3 Q. And so, who has store responsibility when the Store
4 Manager is not working?

5 A. When the Store Manager is not in the store, the
6 Shift Supervisor would be considered the person in
7 charge.

8 Q. And what kind of authority does the Shift
9 Supervisor have?

10 A. So the Shift Supervisor is setting what we call the
11 "Play for the Day," so they are responsible for
12 deploying each Partner to their respective assigned
13 position, be that register, bar, drive-through. They
14 are responsible for accounting and inventory, as well,
15 so they handle all of the cash controller activities
16 within the store during their shift, and they would be
17 the ones that would respond to incidents, customer
18 complaints, etc.

19 Q. And are you familiar with the term "key holder?"

20 A. Yes.

21 Q. What is the key holder?

22 A. So the key holder -- it is the name of the coding
23 in our scheduling system, because it is a legal
24 requirement for us to always have a key holder in our
25 stores. It is an easy way for us to make sure that we

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1 have a key holder coded throughout the entire day. Only
2 Shift Supervisors can be scheduled under the job code
3 "Key holder," as well as the Store Manager.

4 Q. And so what responsibilities does the key holder
5 have?

6 A. So the key holder would be the cash controller. In
7 any situation where we have two Shift Supervisors
8 working on the floor, then only one would be the
9 designated key holder.

10 Q. And how are weekly schedules generated?

11 A. So the scheduling program generates an automated
12 schedule that matches the forecast, and then Store
13 Managers would go in and adjust, based on trends,
14 Partner capability, hours preferences.

15 Q. And what is the system that generates the schedule?

16 A. It is called Starbucks Partner Hours. Recently
17 referred to as Teamworks.

18 Q. Do you ever get involved in scheduling issues or
19 helping with schedules?

20 A. Yes. I do what we call shoulder-to-shoulder work.
21 I have actually sat down with at least seven of my Store
22 Managers and walked them through how to optimize their
23 schedules to meet our coverage graph, our forecasts, and
24 just fifteen years' of experience in the stores.

25 Q. And then, I guess, of course, also if they are

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1 looking to make investments, you would also get involved
2 at that point?

3 A. Correct. Yeah, I mean, I am responsible to my boss
4 every week coming in at my labor lines, so I follow up
5 individually with any stores that are causing me to be
6 out of line.

7 Q. And so, your expectation is that the store works
8 closely in line with the generated schedule?

9 A. There are instances where we are earning more than
10 the forecast, so there are some stores that are approved
11 to schedule to their recent earned hours. Those are the
12 two guidelines that I give my Store Managers. They are
13 free to schedule within their last four weeks' earned or
14 their forecast, without needing to reach out to me, and
15 anything else outside of those two boundaries, they
16 would need to partner with me on for approval, or they
17 get the follow-up e-mail on Tuesday.

18 Q. And how often are the schedules -- how far in
19 advance are schedules posted?

20 A. The schedules are posted three weeks out, every
21 Monday.

22 Q. Who makes the decision to close stores if -- for
23 example, in the pandemic, if there is a COVID issue; who
24 is involved in that decision?

25 A. So the District Manager would ultimately make the

1 decision.

2 Q. And who makes the decision to turn off mobile
3 ordering in stores in your District, if necessary?

4 A. So it does need to happen by the Store Manager or
5 the District Manager, because the process to turn off
6 our mobile orders is done via e-mail, so the e-mail does
7 have to come from the starbucks.com e-mail address to
8 activate and turn off mobile order.

9 Q. And only Store Managers and above have e-mail
10 access; is that correct?

11 A. Correct.

12 Q. And then, so do you need to be involved in, or --

13 A. I am informed of the decisions once they happen. I
14 have access to reporting that will let me know how often
15 -- what percentage of time a Mobile Order is run at the
16 store, and I can see every time that Mobile Order and
17 pay, as a channel, has been turned off for stores, so I
18 do ask that my Store Managers inform me if they are
19 shutting off Mobile Order.

20 Q. Are Partners permitted to swap shifts with each
21 other?

22 A. Yes.

23 Q. And how is that -- how can that be accomplished?

24 A. So there is two methods, because we are currently -
25 - we have recently introduced a technological way called

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1 "Shift Marketplace," where Baristas are able to post
2 their shift as available, and any Baristas that are in
3 the Partner Hour System, because that is their home
4 store, or brought out into that Partner Hour System,
5 would have the visibility into a shift that is up for
6 grabs, and be able to claim it, and it would move over
7 to their schedule.

8 Because it is still a new tool, we are still seeing
9 people under our old practice, which is Baristas asking
10 each other to cover their shift, the Store Managers are
11 reaching out to Baristas that are off to find coverage
12 for shifts.

13 Q. And, so, within the Shift Marketplace, can Partners
14 take shifts at other stores?

15 A. Yes, as long as they are borrowed out in the
16 Partner Hours System to that store, they will have
17 visibility into that shift.

18 Q. And, let's say, you know, a Partner can't find
19 adequate coverage through the Shift Marketplace or just
20 by word of mouth, what is the process for making sure
21 that their shift is covered?

22 A. So if they are not able to make their shift or find
23 coverage, they are required to speak directly to their
24 Store Manager. In my District, we have our Work Chat,
25 so my Store Managers will actually use Work Chat or

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1 Workplace to reach out to other Store Managers, to see
2 if there are potentially Baristas who are available that
3 may not have visibility into Shift Marketplace, as we
4 will fill shifts by reaching out to each other and
5 asking for Partners in the moment.

6 Q. One more question going back a little earlier...

7 So when Partners are trying to find their own
8 coverage, are they expected to, you know, first start
9 with Partners in their own store, or can they go to
10 anyone in the District?

11 A. I don't believe there is a preference.

12 Q. Okay. What about when the Store Managers are
13 trying to find coverage? Are they supposed to go to
14 their own store, or can they --

15 A. They can reach out to anyone.

16 Q. And so, what were the methods that you mentioned
17 for Store Managers to try to find shift coverage?

18 A. So we have Work Chat and Workplace, outside of just
19 individually Store Managers calling each other.

20 They find Work Chat quicker, because it will send a
21 message to all twelve of their peers at one time.

22 Q. So, I'm sharing a document on the screen.

23 **(Employer's Exhibit 10, marked for identification.)**

24 Q. BY MS. MEYER: Can you tell us what this document
25 is?

1 A. Sure. So this is actually a screenshot of a post
2 from our Workplace group. We have a 2087 group that
3 includes all of my Store Managers.

4 Michael Boudreaux is a Store Manager of one of my
5 Downtown locations, who is looking for additional
6 support as a result of the rodeo being in town, so he
7 was looking for additional Partners that could support
8 from the stores within the District. Carolyn Varner is
9 my other Store Manager at my other Downtown location,
10 who is posting her hours, as well, in case there is a
11 plethora of Partners willing..

12 Q. Okay, and who can view these posts?

13 A. Every Store Manager in 2087.

14 Q. Okay. And then, there is a couple more pages to
15 this exhibit. Can you tell me what this page is
16 reflecting?

17 A. Sure. So that is another Store Manager, Melody
18 Tyo, looking for Barista shift coverage, and Shift
19 Supervisor shift coverage.

20 The Store Managers who commented posted are just
21 inferring that they have posted those available shifts
22 up to their team via the Crew App or Group Meet, or at
23 the back-of-house schedule, whatever their preferred
24 communication method is.

25 Q. So, what are -- what s Crew App and Group Meet?

1 A. So, it is, sometimes Store Managers will have some
2 sort of group chat with all of the members of their
3 team, and it is entirely up to them and their team how
4 they would choose to communicate in that way.

5 Q. Okay.

6 A. I know that when I was a Store Manager, I had a
7 group message with Partners who were always looking for
8 hours, so that I could send out available hours to those
9 who really wanted them.

10 Q. And, then, finally, the last page of this exhibit,
11 what is this?

12 A. This is a different Store Manager named Lisa who
13 was trying to cover as a result of isolations for -- for
14 our COVID protocols. So you will see -- you will see my
15 Store Manager asking if overtime is approved. That is
16 where I reply, "Yes, overtime is approved," and then she
17 has crossed out shifts that that were able to be covered
18 throughout the District.

19 Q. Great.

20 MS. MEYER: So, at this time, I would like to enter
21 this exhibit as Employer's Exhibit 10.

22 MR. QUINTO-POZOS: No objection.

23 HEARING OFFICER SYKES: Hearing no objection,
24 Employer's Exhibit 10 is entered into evidence.

25 **(Employer's Exhibit 10, received into evidence.)**

1 Q. BY MS. MEYER: Okay, Casey, I am sharing another
2 document. It is a couple pages long. We will start
3 with the first page.

4 **(Employer's Exhibit 11, marked for identification.)**

5 Q. BY MS. MEYER: What does -- what does this document
6 come from?

7 A. So this actually comes from Work Chat, which is the
8 application similar to like Facebook Messenger. The
9 2087 group, you will see, has thirteen members. So it
10 is my Store Managers, and it is a Store Manager asking
11 for Shift Supervisor coverage for a weekend that she was
12 looking for a time off for a funeral, and then my Store
13 Managers responding, as well as a second Store Manager
14 looking for a Shift Supervisor coverage at a different
15 location.

16 Q. So this is all conversation among Store Managers
17 trying to find coverage at their stores?

18 A. Correct.

19 Q. And then, what is this post from?

20 A. So a Store Manager looking for Barista coverage.
21 She has either a call out or an isolation.

22 Q. And then this next page?

23 A. The same things. There is more available shifts
24 this time, due to isolations, and then you will see a
25 Store Manager that was able to cover the shift for one

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1 of her Partners.

2 Q. And then, lastly, this document?

3 A. The same thing; where they are asking for coverage
4 and timing at 12, 7:30, and then I had already approved
5 overtime, so her letting the District know that overtime
6 was approved.

7 Q. Okay, and so -- and so these are all screenshots
8 from the Work Chat application?

9 A. Correct, and all in the same group chat.

10 MS. MEYER: Okay, at this time, I would like to
11 offer Employer's Exhibit 11 into evidence.

12 MR. QUINTO-POZOS: No objection.

13 HEARING OFFICER SYKES: Hearing no objection,
14 Employer's Exhibit -- I'm sorry, is the Employer's
15 Exhibit 11?

16 MS. MEYER: Yes, 11.

17 HEARING OFFICER SYKES: Employer's Exhibit 11 is
18 entered into evidence.

19 **(Employer's Exhibit 11, received into evidence.)**

20 Q. BY MS. MEYER: And when shifts -- when Store
21 Managers are offering these opportunities to employees,
22 is it done -- is it -- is it offered on a voluntary
23 basis?

24 A. Yes.

25 Q. All right, and are you able to fill these shifts

1 through using a voluntary basis, or by offering them on
2 a voluntary basis?

3 A. Usually. Sometimes we have to make modifications
4 to channels or hours if we are unable to find enough
5 coverage to support a store.

6 Q. What is Playbuilder?

7 A. Playbuilder is an application on each store's iPad.
8 It ultimately will dictate the play for the day. So you
9 will input the number of Baristas that you have, the day
10 part that you are currently in, and it will populate a
11 deployment map of where to place those Baristas, in
12 which positions, and who is responsible for what.

13 Q. And who is typically the person using Playbuilder,
14 or who uses Playbuilder?

15 A. So it should be utilized by every Shift Supervisor
16 and the Store Manager. They are the ones that are what
17 we would refer to as the play caller on the floor, so
18 they are checking in each Barista, letting them know
19 where they will be deployed, and what their
20 responsibilities are for the day.

21 Q. And do the -- the Shift Supervisors and Store
22 Managers that might be acting as play callers receive
23 training specific to Playbuilder?

24 A. Yes, as a part of a Shift Supervisor, first 30.

25 Q. And do you expect that stores in your District will

1 use the Playbuilder tool?

2 A. Yes.

3 Q. And can you tell if they are or are not using it?

4 A. Yes. So I can -- I am able to log in and open up
5 the Playbuilder. Shift Supervisors can actually assign
6 who is in the store right now to specific positions.
7 That should be reflected by what you see on the floor,
8 so I should be able to pull it up at any store that I am
9 in. I would be able to see who is deployed where, and
10 whether or not the Shift Supervisor is using the
11 application.

12 Q. And what happens if, you know, a store is
13 unexpectedly busy. Can the play caller just disregard
14 the play?

15 A. There are actually modifications within the play
16 that allow what we call "flexing." So as opposed to
17 just disregarding the play, we would ask our Shift
18 Supervisors to flex the play, meaning that anyone in a
19 support position could be pulled to support production,
20 and they would have a task assigned to them as to where
21 they are supporting.

22 Q. Now, I would like to talk a little bit about
23 discipline.

24 How is discipline managed at the stores within your
25 District?

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1 A. So only Store Managers are able to deliver
2 corrective actions. Baristas, Shift Supervisors cannot
3 deliver corrective actions to other Partners. The Store
4 Manager and above only task. The Company provides a
5 tool called Our Partner Relations - Virtual Coach. It
6 is available on the Partner Hub, and it walks through
7 the most common scenarios regarding discipline in
8 stores.

9 So, for example, time and attendance, dress code,
10 unprofessional behavior, not following cash handling
11 policy is -- these are basic violations, and are all
12 outlined there with the recommendations. Next steps for
13 anything that would fall outside of the scope of the
14 Partner Relations - Virtual Coach, Store Managers would
15 first partner with their District Manager, or make a
16 call to our Partner Relations Center.

17 Q. And so, do you have kind of pre-established steps
18 of discipline that you use at Starbucks?

19 A. Yes. So our Corrective Action form runs from a
20 documented coaching to a written warning, a final
21 written warning, and then we have a separate document
22 for separation.

23 Q. And those steps are applicable at all of the stores
24 within your District?

25 A. Yes.

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1 Q. And are those discipline steps all issued on the
2 same type of form?

3 A. Yes.

4 Q. And so, when do you get involved in disciplinary
5 issues?

6 A. So anytime it is anything more severe than a
7 written warning, so I have asked my Store Managers to
8 loop me anytime we are delivering a Final Written
9 Warning, or looking to separate a Partner, or if it is
10 not outlined clearly in the Partner Relations - Virtual
11 Coach. So if it has more to do with our mission and
12 values, or just generic -- just generally not meeting
13 job expectations outside of very direct policies, they
14 would partner with me on how to navigate those
15 instances.

16 Q. Okay.

17 A. So this e-mail actually references -- I had a
18 conversation with my Store Manager, Alana prior to the
19 e-mail that I sent, where she was working with a Partner
20 who was going through some irregular attendance issues.
21 She was going to sit down and have a little discussion
22 with him around his time and attendance, and how he was
23 in coaching towards what we would consider irregular
24 attendance.

25 I e-mailed just to follow up to see how that

1 conversation with the Partner went, and then you will
2 see Alana's response where she had a one-on-one, and
3 then left him with a warning. He signed his Time and
4 Attendance form. She reviewed the policy with him over
5 irregular attendance, and had him initial for
6 understanding before moving on to corrective action, and
7 then let me know that there was an additional Partner
8 and when she was planning on connecting.

9 Q. And so, you were looped in before she ever had a
10 conversation with this Partner?

11 A. Correct.

12 *[Long pause]*

13 MS. MEYER: Okay, so this next would be, let's see,
14 the Employer would move to enter this as Employer's
15 Exhibit 12 at this time.

16 **(Employer's Exhibit 12, marked for identification.)**

17 HEARING OFFICER SYKES: Okay.

18 MR. QUINTO-POZOS: No objection.

19 HEARING OFFICER SYKES: All right, hearing no
20 objection, I am going to admit Employer's Exhibit 12
21 into evidence.

22 **(Employer's Exhibit 12, received into evidence.)**

23 Q. BY MS. MEYER: I think you mentioned you also want
24 to be involved in any separations of Partners in your
25 District?

1 A. Yes.

2 Q. And so what is the process if the Store Manager
3 wants to separate or terminate a Partner?

4 A. So they would need to separate with DM approval,
5 and then based on my experience, I would decide whether
6 or not we would need to loop in Partner Relations for a
7 separation consult, really just to make sure all of our
8 paperwork would support.

9 I don't require my Store Managers to reach out for
10 involuntary -- for voluntary separations, so when
11 Partners leave the Company, they would just inform me
12 during our Partner planning, that they have changed
13 staff. But for any involuntary, they would need to
14 Partner.

15 Q. And have you partnered with Alana on any
16 separations at the petitioned-for store?

17 A. Yes.

18 Q. So I have pulled up another exhibit.

19 **(Employer's Exhibit 13, marked for identification.)**

20 Q. BY MS. MEYER: Okay, so can you tell us what this
21 document is?

22 A. Sure. So Alana had reached out because her
23 Partner, Judith, was on a final for time and attendance,
24 and had shown up late. My direction to Alana was that
25 she needed to first talk to Judith to figure out what

1 happened. If her tardiness was excused by a personal
2 emergency or sudden onset of illness, we wouldn't want
3 to further any more corrective action.

4 This is Alana letting me know that Judith talked
5 about the visit, and was not for any circumstances that
6 we gave her to pause on, so as a result, she was
7 ultimately separated due to another time and attendance
8 violation beyond her Final Written Warning.

9 Q. So you had provided her guidance on certain steps
10 to take with respect to take for this particular
11 Partner; correct?

12 A. Correct. Before she issued the separation, she
13 would need to have a discussion to ensure that her
14 tardiness this week was not for the same circumstances
15 she had the prior week that were covered by our sick
16 time policy.

17 Q. Understood.

18 MS. MEYER: So, at this time, I would like to enter
19 Employer's Exhibit 13 into evidence.

20 MR. QUINTO-POZOS: No objection.

21 HEARING OFFICER SYKES: All right, hearing no
22 objection, Employer's Exhibit No. 13 is entered into
23 evidence.

24 **(Employer's Exhibit 13, received into evidence.)**

25 Q. BY MS. MEYER: Casey, who is responsible for

1 investigations involving Partner misconduct in your
2 District?

3 A. The District Manager.

4 Q. And are the Store Managers doing the
5 investigations, at all?

6 A. Not solo, no. They would inform their District
7 Manager, or if it went through Partner Relations, it
8 would come directly to the District Manager without even
9 going to the Store Manager.

10 Q. And have you been involved in any investigations
11 involving Partners at the petitioned-for store?

12 A. I was involved in an investigation from our Fraud
13 Department at the petitioned-for store.

14 Q. And what was the outcome of that investigation?

15 A. The outcome was that I separated a Shift Supervisor
16 at the store by the name of Ma Katrina Hernandez.

17 Q. And what was the Store Manager's involvement in
18 that process?

19 A. The Store Manager was not involved in the process.

20 I showed up at the store. I was the third-party
21 witness on the phone as the Fraud Department conducted
22 the interview with the Partner. The only role the Store
23 Manager played was re-coordinating the play on the
24 floor, and providing coverage herself so that the Shift
25 Supervisor could step off and participate in the

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1 investigation.

2 I did ask the Store Manager to serve as a witness
3 while I delivered the separation documentation.

4 Q. Who is responsible for disciplining Assistant Store
5 Managers --

6 A. That --

7 Q. -- when you have those --

8 A. District Managers.

9 Q. And how are customer complaints handled in your
10 District?

11 A. So a customer that would complain in the store
12 would more than likely get sent to the person in charge,
13 be it the Shift Supervisor on duty or the Store Manager.

14 If a customer were to call into our Customer
15 Contact Line, those get forward to DM for either 24-hour
16 follow-up or just as FYI's.

17 Q. What are the policies for -- let's see...

18 Does the Partner Guide apply to Partners within
19 District 2087?

20 A. Yes. The Partner Guide should apply to all
21 Partners in the --

22 Q. And what is the Partner Guide?

23 A. So, it is a basic guide of all of our policies,
24 expectations, and Partner conduct. It includes our time
25 and attendance standard, dress code, time away from

1 work, employment standards; all of that.

2 Q. And so those don't vary from store to store?

3 A. No.

4 Q. Do stores have -- can they make their own store-
5 specific addenda or add their own policies?

6 A. No.

7 MR. RAHHAL: Hearing Officer Sykes, and I don't
8 mean to interrupt, but sometimes, our witness go and go,
9 but if you need to take a break for any reason, because
10 we have been going an hour and a half, and sometimes I
11 see our witnesses just starting to shake, but I just
12 want you to know if you need a break for any reason,
13 just let the folks know and we will take a break.

14 THE WITNESS: Thank you, but I am good for now.

15 HEARING OFFICER SYKES: Yeah, if you do need a
16 restroom break or to get a water, just let me know, and
17 we can take a 10-minute break.

18 MS. MEYER: I don't have much left, so I think we
19 can probably get through my direct, and then we can take
20 a little bit longer break for us to like, you know, e-
21 mail exhibits and for Manuel to get ready for cross.

22 HEARING OFFICER SYKES: Okay, that sounds good.

23 All right, proceed.

24 MS. MEYER: Thank you.

25 Q. BY MS. MEYER: And do you have a representative of

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1 Partner Reference -- Partner Resources? [Coughing]

2 Excuse me.

3 Do you have the same representative from Partner
4 Resources for all of your stores in the District?

5 A. I am not sure I understand the question.

6 So, if my Store Managers call our Partner Relations
7 line, they would get assigned someone from the Partner
8 Relations Team. We do have a Partner Resources Manager
9 that is assigned to the area, but they don't handle --
10 they wouldn't handle the direct Partner concerns that
11 get called into our Partner Relations Team.

12 Q. And so that Partner Relations Team is available to
13 all Partners across your District?

14 A. Yes.

15 Q. And can Partners access the Partner hub that you
16 have mentioned before?

17 A. Yes. It is available to all positions in the
18 Company.

19 Q. And do the Partners at the various stores across
20 your District, do they follow the same process when they
21 are clocking in for work?

22 A. Yes.

23 Q. And what is that process?

24 A. So they would clock in on the iPad as a part of the
25 Partner check-in process. They would clock in, complete

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1 our COVID check, take their temperature. They would be
2 checked in by their Shift Supervisor.

3 If they are, for whatever technology reason, unable
4 to clock in on the iPad, we do have a daily records book
5 with a Punch Communication log, where they would record
6 their time.

7 Q. And who determines the wage rates for stores within
8 your District?

9 A. So it is all done at the Area level, or above the
10 Area level, in determining a starting rate for the
11 entire market.

12 Q. And so, do the -- the positions, you know, Barista,
13 Shift Supervisor, ASM, do they have the same rates
14 across your District?

15 A. For Barista and Shift supervisor, yes, the ASM and
16 Store Managers would be calculated differently.

17 Q. Okay. And how are wage increases determined?

18 A. They are all done way above my level.

19 Q. Are they --

20 A. You mean like wage increases for Partners overall?

21 Q. Yes.

22 A. They are done at the Company level.

23 Q. Okay. And are they, you know, equally applicable
24 to stores within your District?

25 A. Yes. So it would apply to our entire market.

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1 Q. Okay, so you are not going to have one store
2 getting a different wage increase than another store in
3 your District?

4 A. Correct. They would not.

5 Q. And do Store Managers have authority to deviate
6 from those wage rates?

7 A. No. They would need District Manager and Partner
8 Resources Manager approval to be able to bring someone
9 in at a higher starting rate.

10 Q. Yeah, and so I was going to ask you, what are the
11 circumstances where you would or could have a higher
12 starting rate?

13 A. If they bring someone in that has previous Barista
14 experience, albeit Starbucks or not, or previous Floor
15 Manager experience from Starbucks, you can reach out to
16 your District Manager and Partner Resources Manager to
17 bring that person in at a higher rate. So we have
18 actually done that at the petitioned-for store.

19 Q. That is the perfect segue.

20 Casey, can you tell me what this document is?

21 A. Sure. So we had a Partner apply named Ginger
22 Dierks, she applied to our Shift Supervisor position at
23 Store 23895. Ginger was a prior Starbucks Partner who
24 was a Store Manager for Starbucks for five years. We
25 pulled that prior Store Manager experience, and asked

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1 for a higher starting rate that was comparable to a
2 Shift Supervisor who had been enrolled for five years.

3 Q. And so --

4 A. They talked to the Partner Resources Manager, and
5 their Regional Director for approval, and were able to
6 bring her in at a higher rate.

7 Q. And so, this was not something that Alana could put
8 into effect on her own?

9 A. No, it is not. If she had attempted to hire them
10 in at a higher rate, in our Manager Self-Service System,
11 it kicks those back to the District Manager and Partner
12 Resources Manager for approval.

13 **(Employer's Exhibit 14, marked for identification.)**

14 MS. MEYER: So at this time, I would like to offer
15 Employer's Exhibit 14 into evidence.

16 MR. QUINTO-POZOS: No objection.

17 HEARING OFFICER SYKES: Hearing no objection,
18 Employer's Exhibit 14 is entered into evidence.

19 **(Employer's Exhibit 14, received into evidence.)**

20 *[Long pause]*

21 Q. BY MS. MEYER: And Casey, what about benefits? Who
22 determines what benefits Partners in your District
23 receive?

24 A. The Company; it is company-wide, so all of the
25 Baristas that are hired in have the ability to access

1 the same benefits package, provided that they meet the
2 benefits eligibility requirements.

3 Q. And what is the eligibility requirements?

4 A. It equates to working on average twenty hours a
5 week, but they pull a six-month temp of your hours, to
6 ensure that you have met those requirements.

7 Q. And have there been any recent changes to that
8 eligibility --

9 A. There has been some. So during the pandemic, we
10 went from a threshold of 520 hours down to 480 hours, to
11 allow for grace due to isolations and staffing levels
12 during COVID.

13 Q. And so that change, did that apply, again, equally
14 to all Partners within your District?

15 A. Correct.

16 Q. And are those benefits reflected in the Starbucks
17 Benefit Guide --

18 A. Yes.

19 Q. -- that Partners receive?

20 A. Yes.

21 Q. So, do Store Managers have any authority to issue
22 bonuses or incentives to Partners?

23 A. No.

24 Q. Or do individual merit increases?

25 A. No.

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1 [Long pause]

2 MS. MEYER: Okay, I think that is all for me.

3 I will pass the witness.

4 HEARING OFFICER SYKES: [Inaudible - muted]

5 MR. QUINTO-POZOS: Mr. Hearing Officer, you are
6 muted.

7 HEARING OFFICER SYKES: Sorry. I said, we can go
8 off the record. That will give the Employer time to
9 send the exhibits to everybody, because I am sure you
10 are going to want those for your cross examination.
11 Also, I may have some questions, as well, once I review
12 those.

13 So, how many -- I can't remember -- is it 5 through
14 14?

15 MS. MEYER: Yes, I believe that is correct, 5
16 through 14.

17 MR. QUINTO-POZOS: Exhibit 4.

18 HEARING OFFICER SYKES: 4?

19 MS. MEYER: Oh, yes, I'm sorry, it is 4 with the
20 map. That's right.

21 HEARING OFFICER SYKES: Okay, 4 through 14.

22 Okay, so I guess we can take ten minutes; do you
23 think that is enough time?

24 MS. MEYER: Yes, that should be fine for us.

25 MR. QUINTO-POZOS: Yes, that's good.

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1 HEARING OFFICER SYKES: Okay, we will pick up with
2 cross in ten minutes.

3 MR. QUINTO-POZOS: Okay, thank you.

4 HEARING OFFICER SYKES: Okay. Off the record.

5 *[Off the record]*

6 THE COURT REPORTER: We are on.

7 HEARING OFFICER SYKES: Okay, we are back on the
8 record.

9 All right, so you can proceed with your cross
10 examination.

11 MR. QUINTO-POZOS: Okay, thank you.

12 CROSS EXAMINATION

13 Q. BY MR. QUINTO-POZOS: Good afternoon, Ms. Martin.

14 A. Hello.

15 Q. I am just going to introduce myself. My name is
16 Manuel Quinto-Pozos. I am an attorney in Austin, and I
17 represent Workers United, the union that filed the
18 petition in this case. Okay?

19 A. Yes.

20 Q. So, I am just going to ask you some follow-up
21 questions, and I will probably show you some exhibits,
22 some of the ones you have already seen, and perhaps some
23 others. Okay?

24 A. Sure.

25 Q. And the same rules, if you need a break or anything

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1 like that, just let us know, okay?

2 A. Absolutely.

3 Q. So, if I understood correctly, you have been -- you
4 are coming up on a year, or you just passed a year of
5 being a District Manager; is that right?

6 A. Coming up on a year, March 15th, I believe. The
7 14th or 15th.

8 Q. Congratulations.

9 A. Thank you.

10 Q. And so you were promoted from a -- a different
11 position to District Manager about a year ago?

12 A. Correct. I was a Store Manager. I was promoted
13 into what we call a DM-TLA. It stands for Time Limited
14 Assignment. While I was on that Time Limited
15 Assignment, I interviewed for and accepted the permanent
16 position.

17 Q. Okay. And so, did you work -- where did you work
18 as a -- immediately prior to promoting?

19 A. I was a Store Manager at Store 6270, which is a
20 location called the Quarry.

21 Q. Okay. And that is in the city of San Antonio?

22 A. Correct, and in the same area, but it was in a
23 different District.

24 Q. Okay. And you -- you -- you gave some thorough
25 testimony about some of the operational details, labor

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1 relations and staffing issues. And so, let me ask you,
2 just to take some examples, you gave some testimony as
3 to how facilities issues are handled at the store and at
4 the District; do you recall that?

5 A. Yes.

6 Q. Okay, and so -- and so, what District is this Store
7 6270, the Quarry, in?

8 A. That District is 3177. At the time that I was a
9 Store Manager there, we were in District 644.

10 Q. 644?

11 A. Yes.

12 Q. So, at least from what you describe, you have
13 experience with District 2087 and District 644?

14 A. Correct. I have also been a part of District 603
15 and District 2026 throughout my employment.

16 Q. 2026?

17 A. Yes, sir.

18 Q. And where are those Districts?

19 A. They are all in San Antonio, in Area 61.

20 Q. Okay. And so, with regard to -- going back to
21 questions about facilities, you described the process of
22 how that works and repairs. Do you recall that?

23 A. Correct.

24 Q. Is that handled differently at the other Districts
25 where you have worked?

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1 A. No. The process is the same where Store Partners
2 open up facilities to get Facilities Service Managers,
3 to approve and dispatch and balance that workload.

4 Q. Okay, and you testified about how products are
5 ordered. Do you recall that process?

6 A. Yes.

7 Q. And is that different at the other Districts where
8 you have worked?

9 A. No. We have not had automated ordering the entire
10 time that I have worked for Starbucks. That is a recent
11 development as of July, but the Inventory Management
12 System has been in place for quite a while now.

13 Q. And that is the same at the Districts that you are
14 familiar with?

15 A. Correct.

16 Q. Okay, and you -- you spoke about a Distribution
17 Center being in Fort Worth, I think.

18 A. Yes, that is our Regional Distribution Center. We
19 place our DC orders that are typically once a week for
20 all but one of my stores weekly, but that product comes
21 from that Distribution Center.

22 Q. Okay, and so product that goes to District 644,
23 603, and 2026, the ones where you worked before, that
24 all comes from that same --

25 A. Yes.

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1 Q. -- Distribution Center?

2 A. Yes.

3 Q. Okay.

4 A. Yes, our Central Distribution Center is in Schertz,
5 Texas. It services all of the San Antonio stores, as
6 well, plus the daily delivery...

7 Q. So, also including for those other Districts?

8 A. Yes.

9 Q. The ones we've named?

10 A. Correct.

11 Q. And you gave some testimony regarding locations of
12 training, right? That might be determined based on how
13 many, let's call them trainees, or Baristas in training,
14 or Partners in training, depending -- you know, if the
15 store has too many of them, they can't train all of them
16 at the store, so they may be sent somewhere else.

17 A. Correct.

18 Q. Is that a fair summary?

19 A. That's fair. That is one of the reasons we would
20 utilize other stores to train.

21 Q. Sure, okay.

22 And is that -- that summary also applicable to the
23 other Districts where you have worked?

24 A. Yes.

25 Q. And we talked about progressive discipline. That

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1 is my term, but you talked about how there's -- you
2 know, you start with, you know, maybe an oral warning,
3 and then maybe it gets higher and more serious if
4 problems persist.

5 Do you --

6 A. Correct.

7 Q. Okay, and is that also similar at the other
8 Districts that you are familiar with?

9 A. Yes.

10 Q. And we talked about the Partner Guide. Do you
11 recall that?

12 A. Yes.

13 Q. Is the Partner Guide applicable to the other
14 Districts that you are familiar with?

15 A. Yes.

16 Q. And you testified about how issues like pay
17 increases are determined, and how benefits are
18 determined. Is that testimony also applicable to the
19 Districts -- the other Districts you are familiar with?

20 A. Yes.

21 Q. Okay. And, let me show you, if I can, if I can do
22 this...

23 Can you see that?

24 A. Yes, I can.

25 MR. QUINTO-POZOS: Okay, and just for everybody

1 else on the call, and for the clarity of the record,
2 this is Petitioner's Exhibit 13 from the Buffalo I case.

3 Q. BY MR. QUINTO-POZOS: Is this something -- a
4 document you are familiar with?

5 A. Yes.

6 Q. Okay, and can you tell us what it is?

7 A. It looks like the job description for our Store
8 Manager position. I have seen them for multiple
9 different positions in the Company.

10 Q. Okay, and is this -- as I said earlier, this is
11 from the case in Buffalo, but to your knowledge, is the
12 job description for Store Manager, is this particular
13 description applicable to the petitioned-for store here
14 in San Antonio?

15 A. Yes.

16 Q. Okay. I am going to highlight this sentence here,
17 and it reads, "The Store Manager is required to" -- this
18 is under the Job Summary and Mission heading; do you see
19 that?

20 A. Yes.

21 Q. And it is the second sentence, and it reads, "The
22 Store Manager is required to regularly and customarily
23 exercise discretion in managing the overall operation of
24 the store."

25 A. Yes.

1 Q. Did I read that accurately?

2 A. Yes, sir.

3 Q. And would you agree that that is true?

4 A. Yes.

5 Q. Okay. And then, the next sentence says, "In
6 particular, the majority of the time is spent
7 supervising and directing the workforce, making staffing
8 decisions, i.e. hiring, training, evaluating,
9 disciplining, discharging, staffing, and scheduling,
10 ensuring customer satisfaction, quality, managing the
11 store's financial performance, and managing safety and
12 security within the store."

13 Did I read that accurately?

14 A. Yes, sir.

15 Q. And is that true in your District?

16 A. Yes.

17 Q. Okay.

18 *[Long pause]*

19 Q. Under the heading, "Summary of Key list
20 Possibilities," there is a -- some bolded language that
21 reads, "Leadership" right here. Do you see that?

22 A. Yes, sir.

23 Q. Okay, and one of those bullets, the third bullet
24 that I am highlighting reads, "Drives the implementation
25 of Company programs by developing action plans and

1 directly motivating and instructing the store team to
2 implement them to meet operational and organizational
3 objectives."

4 Did I read that correctly?

5 A. Yes, sir.

6 Q. Okay, and is that true for -- for the store -- the
7 petitioned-for store?

8 A. Yes. That is what I referenced earlier when I said
9 that Store Managers are responsible for creating
10 meaningful plans to achieve results in their store, and
11 I would assist with blocks or obstacles that get in the
12 way of that plan.

13 Q. Okay. Skipping to -- well, this one is the last
14 one under "Leadership," and it says, "Provides coaching
15 and direction to the store team to take action, and to
16 achieve operational goals."

17 Did I read that accurately?

18 A. Yes, sir.

19 Q. And is that true for this particular store?

20 A. Yes.

21 Q. Okay.

22 *[Long pause]*

23 Q. I am going to skip down to "Business Requirements."

24 The fourth bullet point there, the first sentence
25 reads, "Uses discretion in accessing external resources

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1 to support store operations and to execute District and
2 general initiatives."

3 Did I read that accurately?

4 A. Yes, sir.

5 Q. And is that true for this store?

6 A. Yes.

7 Q. Okay. Okay. And we -- we spoke a little bit about
8 the Partner Guide. Would you agree that that -- that
9 the Partner Guide gives Managers a lot of
10 responsibility?

11 A. Yes, it gives all Partners a lot of responsibility.

12 Q. Including Store Managers. It delineates different
13 responsibilities for different levels; correct?

14 A. Correct.

15 Q. Okay, and would you agree with the statement that
16 the Partner Guide makes the Store Manager the point of
17 contact for many of the Partners' daily issues?

18 A. Yes, it does.

19 Q. Okay. And -- and I can show it to you if you would
20 like, but I guess -- I am reading something from -- from
21 the Partner Guide that says, "The Store Manager is
22 ultimately in charge of all store operations, and
23 directs the work of the Assistant Store Manager or
24 Managers, Shift Managers, where applicable, Shift
25 Supervisors and Baristas. The Store Manager is

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1 responsible for personnel decisions, scheduling,
2 payroll, and fiscal decisions."

3 Does that sound like something that might be in the
4 Partner Guide, and again, I can show it --

5 A. No, it is. It is.

6 Q. Okay. And would you agree with -- with what the
7 Partner Guide says about Store Managers?

8 A. Yes, they are ultimately the head of store
9 operations for their location.

10 Q. Okay. And, I think you made a statement about the
11 -- the store at 410 and Vance Jackson having excellent
12 staffing levels. Is that something that you said?

13 A. From a Partner planning perspective, yes. She has
14 maintained staffing levels at her store to not have
15 impeded upon operations, hours...

16 Q. And when -- when you say "she," you mean the Store
17 Manager, Alana?

18 A. Correct.

19 Q. Okay, and that is her responsibility; is that
20 correct?

21 A. Correct.

22 Q. In terms of the process of the applicants applying
23 for jobs, you talked a little bit about that; is that
24 correct?

25 A. Yes.

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1 Q. And did you say that an applicant selects specific
2 stores that they are applying to?

3 A. Yes. So the applicant selects requisition to apply
4 to, and there is open requisitions, barista-wise, at all
5 of our company locations.

6 Q. Okay, so they don't apply to the District. They
7 apply to --

8 A. To individual stores, yes.

9 Q. So they could apply to this particular store, 410
10 and Vance Jackson, or other stores in the District, or
11 outside the District?

12 A. Correct.

13 Q. Okay. Are you familiar with Store Managers
14 receiving referrals for somebody who is looking for a
15 job --

16 A. Yes, we have a very lucrative referral bonus
17 program for our Partners that we actually just recently
18 increased the referral bonus for Barista referrals.

19 Q. Okay, and those referrals go through the Store
20 Manager; is that right?

21 A. The Store Manager is the one that would process the
22 referral bonus, yes.

23 Q. Okay. And you gave some testimony about job fairs
24 and -- do you recall that?

25 A. Yes.

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1 Q. Okay. Aside from that, so -- so let's set those
2 situations aside for now.

3 A. Sure.

4 Q. If the Store Manager wants to log onto the site
5 where somebody has applied, is that Taleo?

6 A. Yes.

7 Q. Okay, and wants to interview a particular
8 candidate, can the Store Manager choose who out of the
9 applicants to interview?

10 A. The applicant would have to be in their store pool
11 for them to be able to complete the interview.
12 Otherwise they would have to invite that candidate to
13 apply to their store, like if they were looking at
14 another store's candidate pool, and that applicant did
15 not apply to their store, they would have to reach out
16 to get the applicant to apply to their store, to be able
17 to further be processed within the system.

18 Q. Okay. Fair enough. I appreciate that
19 clarification.

20 But if they are in their pool, which means if the -
21 - if, say, ten applicants requested to apply for one
22 opening at 410 and Vance Jackson, can the Store Manager
23 look through the applications and decide, "Okay, I am
24 going to interview these three?"

25 A. Yeah, she would use -- they would use -- they would

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1 see the availability, job experience, and then select
2 the candidates that best fit for the position, and then
3 interview for the position.

4 Q. Okay, and that's in -- they use those references
5 that you mention, but then it is in their discretion to
6 decide which candidates, for example, to apply -- to
7 interview, correct?

8 A. That's correct.

9 Q. Okay. And does the Store Manager reach out to the
10 applicants to arrange interviews?

11 A. Yes.

12 Q. But, I mean, you don't do that?

13 A. No.

14 Q. Okay. And do you know if -- strike that.

15 Q. I think you may have testified about situations in
16 which, including the job fair in which multiple Store
17 Managers may sit in on an interview, is that fair?

18 A. Sometimes they do. It depends on the Store
19 Managers. The requirement would just be one Store
20 Manager for an interview though.

21 Q. Okay. So, a Store Manager is not required to
22 include anyone else when interviewing an applicant?

23 A. No.

24 Q. Okay. And you talked about the -- the document,
25 and I may get the name wrong, but it is the -- Barista

1 Interview Question --

2 A. Yes, the Barista Interview Guide.

3 Q. Okay, yeah.

4 And you said -- I think you said that there are
5 sections within the Guide, and the Store Manager is
6 encouraged to ask at least one question from each
7 section.

8 A. Right.

9 Q. They could ask more?

10 A. They could ask more.

11 Q. But it is in their discretion which, and how many
12 questions, within each section to ask.

13 A. Correct.

14 Q. And --

15 A. If they are doing the same job role, a requirement
16 would be that they asked the same questions to all of
17 the candidates for a particular role.

18 Q. Okay. They don't have to ask all of the questions
19 though.

20 A. Correct.

21 Q. And you also said that they note their feedback
22 electronically somewhere?

23 A. Correct. On our Taleo page, once you are in an
24 applicant's -- moved an applicant to an interview stage,
25 you upload your interview notes, and whether or not they

1 demonstrated those three key behaviors, and whether or
2 not you have a "hiring" or "do not hire" recommendation
3 for that candidate.

4 Q. And do they have some discretion in what the
5 content of their feedback is?

6 A. I don't understand the question.

7 Q. Well, I think you made reference to three key
8 behaviors.

9 A. Correct. So the Manager would use the Interview
10 Guide, and it lists the bullet of example behaviors for
11 achieving results, for example. If the candidate was
12 able to exemplify some of those behaviors, it would be
13 at the Store Manager's discretion to decide whether or
14 not their answer demonstrated or did not demonstrate
15 their ability to meet that --

16 Q. Okay. Can a Store Manager make a hiring decision
17 on the spot?

18 A. They can make an offer on the spot, but we do a
19 background check process, so it is only a contingent
20 offer on passing the background check.

21 Q. Okay.

22 A. If they have more candidates planned to fill a
23 particular spot, as a competitive role, then they would
24 have to finish all interviews before making an offer.

25 Q. So it kind of depends on the situation.

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1 A. Correct.

2 Q. And subject to a background check.

3 A. Yes.

4 Q. Do you -- do you -- aside from a background check
5 issue, do you ever overturn a hiring recommendation or
6 decision by a Store Manager?

7 A. No, I would only be involved, outside of a
8 background check issue, if the Partner was a prior
9 Starbucks Partner. The Store Manager would be required
10 to call our Partner Contact Center to verify rehire
11 eligibility, and get approval from their DM.

12 Q. And I think you gave an example of Ginger somebody
13 who --

14 A. Ginger Dierks.

15 Q. Yeah, and it is in one of these exhibits, and --
16 and in that particular exhibit, you were providing, or
17 there was a discussion about what the amount of pay; is
18 that correct?

19 A. That's correct.

20 Q. Okay. But, so in -- and in that situation, the
21 Store Manager, Alana, made a recommendation to hire; is
22 that right?

23 A. Correct.

24 Q. Okay, and in that circumstance, you followed up --
25 you -- what is the right term? You agreed with that

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1 recommendation?

2 A. Yes. So Alana had called the Partner Contact
3 Center and gotten the rehire eligibility for Ginger, and
4 cleared the hire through me before bringing her onboard.
5 It was during we bring her onboard that Alana asked to
6 bring her in at a higher rate, due to experience, so we
7 started the process to get approval from our Partner
8 Resources Manager.

9 Q. Okay. And do -- so do you usually support rehire
10 recommendations that Alana makes?

11 A. Yes. Alana contacts the Partner Contact Center,
12 and it doesn't give us any reason not to make them
13 rehire eligible, and as long as they don't have any
14 prior bad experience with that Partner, I -- I can
15 understand why people would come back to the company.

16 Q. Okay. You gave some testimony about if somebody
17 wants to promote, right, and -- do you recall that
18 testimony?

19 A. Yes.

20 Q. And I think you testified that in that situation,
21 if they want to promote within their stores, what I
22 understood, then a different Store Manager would be
23 involved in the interview to make sure bias is
24 eliminated.

25 A. Correct.

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1 Q. Is that a fair summary?

2 A. Yes.

3 Q. Okay, what about the different situation in which
4 somebody is applying, say for a Barista, and the Store
5 Manager wants to hire them as the Shift Supervisor
6 position. Is that something that the Store Manager has
7 discretion to do?

8 A. They would have to re-submit an application to the
9 Shift Supervisor for the position, and go through a
10 Shift Supervisor interview, but that Manager does have
11 the discretion to ask the candidate to do that, re-do an
12 interview, and submit them.

13 Q. And can the Shift -- the Store Manager make the
14 hire at that level?

15 A. Yes, Store Managers can hire externally for Shift
16 Supervisor.

17 Q. Okay. Without checking with you?

18 A. Correct.

19 Q. Okay.

20 *[Long pause]*

21 Q. We talked about orientation and First Sip. You do
22 recall that testimony?

23 A. Yes, sir.

24 Q. And is that something that the Store Manager is in
25 charge of?

1 A. It would be a one-on-one conversation between the
2 Store Manager and the newly-hired Partner.

3 Q. And the -- there is a Basics Training Plan that I
4 believe you testified about; right?

5 A. Yes, it is called the Barista Basics Training Plan,
6 yes.

7 Q. Okay, and is that something that the Store Manager
8 is also responsible for?

9 A. The Store Manager in conjunction with the Barista
10 Trainer. So the Store Manager would help build the
11 Barista Basic Training Plan, but the Barista Trainer
12 would be the one to actually execute the plan.

13 Q. Okay.

14 *[Long pause]*

15 Q. I am not sure if you call them this, but there are
16 -- I have seen the term "Partner," or maybe it is not
17 "Partner" and the "P" stands for something else, PDC -
18 Development Conversations?

19 A. Performance and Development Conversations.

20 Q. Okay. And Store Managers can have those with
21 Partners one-on-one; is that right?

22 A. *[No audible response]*

23 Q. Is that right?

24 A. Yeah, they should have them twice a year for our
25 hourly Partners.

1 Q. Okay. I know we talked about discipline, but I am
2 not sure we talked about the -- something called the
3 Corrective Action Form. Is that something you are
4 familiar with?

5 A. Yes. So that is the documentation where you would
6 deliver a documented coaching, a written warning, or a
7 Final Written Warning, as a result of a policy
8 violation.

9 Q. Okay, and the Store Manager is the one who delivers
10 that; correct?

11 A. That's correct.

12 Q. Okay, and --

13 A. There have been instances where I have delivered a
14 Corrective Action, or a Separation, due to cases that
15 come to me instead of the Store Manager, like I
16 mentioned with Ma Katrina Hernandez, and it has happened
17 at a handful of other stores, as well.

18 Q. Was that the fraud situation?

19 A. Yes.

20 Q. Okay. Are those rare?

21 A. I have handled probably five Corrective Actions or
22 Separations for -- in lieu of my Store Manager handling
23 them in the last year. So, yes, it is fairly rare.

24 Q. Okay, so for thirteen stores, for about one year,
25 you have done five Corrective Actions?

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1 A. For hourly Partners, yes.

2 Q. Okay.

3 *[Long pause]*

4 Q. And typically, if the Store Manager is delivering
5 that Corrective Action Form, there is no -- I can pull
6 it up if you would like me to, but there is no space on
7 that form for the District Manager to sign; is that
8 correct?

9 A. That's correct. There should be a place for the
10 Manager to sign, a possible witness, if applicable, and
11 the Partner.

12 Q. You gave some testimony about the process of
13 scheduling and -- I -- I may get some of the terminology
14 and the details wrong, but it is -- it is -- the -- the
15 demand or the -- the specific hours are auto-generated,
16 and there is a process for Store Managers to deviate
17 from that with approval and we talked about labor
18 investments and so forth.

19 A. Yes.

20 Q. Do you recall that?

21 A. Yes.

22 Q. Okay. But the Store Manager has discretion in
23 terms of who is scheduled to work; is that right?

24 A. Right.

25 Q. All right.

1 A. They are given rules around times Baristas are
2 available, given a forecasted hours, and then they are
3 responsible to staff the stores with Baristas that are
4 available when the forecast says to schedule the
5 Partners.

6 Q. Okay, and then -- then when it comes to Partners
7 informing their general availability, that is done with
8 something called a Partner Availability Form; is that
9 right?

10 A. Correct. So the Partner should have a filled out
11 Partner Availability Form in their Partner file. There
12 is also an Availability input into Partner Hours. So if
13 the Partner would like to change their availability,
14 they can input that request within Starbucks Partner
15 Hours. It does have to be approved by their Store
16 Manager before it would go into effect.

17 *[Long pause]*

18 Q. And the Partner Guide says, and we can pull it up
19 if you need me to, that the Store Manager uses the --
20 the information on Partner Availability Form to create a
21 work schedule for their particular store that balances
22 Partner availability and business needs.

23 A. Correct.

24 Q. Would you agree with that?

25 A. Yes.

1 [Long pause]

2 Q. And if a Partner needs to request planned time off,
3 they notify their Store Manager?

4 A. It is also done through the Partner Hours System,
5 so it does need to be done 21 days in advance, but they
6 would input a request within that Partner Hours System
7 to be approved by their Store Manager.

8 Q. So that request goes to the Store Manager?

9 A. Correct.

10 [Long pause]

11 Q. According to the Partner Guide, if a Partner needs
12 to correct their time record, that goes to the Store
13 Manager; is that right?

14 A. Yes. They fill out the Punch Communication Log in
15 the Daily Records Book, I referenced it earlier in
16 discussing clocking in or clocking out, so if they are
17 not able, for whatever reason, to clock in on our
18 technology timeclock, they would then go in and write in
19 their physical time punch into our Punch Communication
20 Log. That gets input by the Store Manager, each
21 planning period visit, and the District Manager will
22 audit the Punch Communication Log, and ensure that it
23 matches up with the system.

24 Q. And if there are situations where the Partner has a
25 question or a dispute with their -- with their pay, like

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1 their paycheck seems wrong, they take that up with their
2 Manager?

3 A. Their Store Manager will be their first point of
4 contact, yes.

5 Q. Okay.

6 A. If they do not get resolution from their Store
7 Manager, we would encourage them to follow how we
8 communicate standard, and bring the problem to their
9 District Manager, and then our Partner Relations Center.

10 Q. Okay. You talked about Barista Trainers.

11 A. Yes.

12 Q. And they get -- they get some kind of stipend or --
13 or higher pay --

14 A. A Barista Trainer Pay Bonus, when you have
15 successfully led another Partner through Barista Basics
16 Training. That is why we try to assign just one Barista
17 Trainer for a new Partner.

18 Q. Okay. And if somebody wants to become a Barista
19 Trainer, they talk to their Store Manager?

20 A. Correct.

21 Q. You gave some testimony about determining when
22 store -- what the store hours are, and how store hours
23 are changed. Do you recall that?

24 A. Yes.

25 Q. Okay, the Partner Guide talks about situations in

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1 which there is inclement weather. Are you familiar with
2 that?

3 A. Yes.

4 Q. Okay, and it gives the -- the Partner Guide gives
5 the Store Manager, I guess, the ability to make a
6 recommendation about -- about adapting to inclement
7 weather --

8 A. Yes.

9 Q. -- in terms of hours; is that right?

10 A. Yes.

11 Q. Okay. And if a Partner is running late to their
12 shift, or not going to be able to show up, they are
13 supposed to call the store and speak to the Store
14 Manager or, I guess, the Shift Supervisor?

15 A. Correct.

16 Q. Okay. And then other types of time off are also
17 requested the via the Manager, right? So, like a
18 personal day?

19 A. Hourly Partners don't receive personal days, just
20 our salaried Partners. So my Store Manager would
21 request a personal day through me, but any type of
22 vacation that our hourly Partners are taking, their
23 request would go through Partner Hours, and be approved
24 directly by their Manager.

25 Q. And is bereavement time something that hourly

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1 Partners get?

2 A. Yes.

3 Q. And that request for bereavement time goes to their
4 Manager?

5 A. Yes, it would be done on the Punch Communication
6 Log, and they would have to fulfill the requirements
7 that are found in our Partner Resources Manual to be
8 paid for scheduled time that was missed.

9 Q. Okay, and if somebody needs to notify Starbucks
10 that they have jury duty, for example, they would go
11 through the Store Manager?

12 A. Yes.

13 Q. And, the Partner Guide has a section on how to
14 report issues at the store, if there is an issue with
15 another Partner; correct? Does that sound right?

16 A. Yes.

17 Q. Okay. And again, I am happy to show it to you, but
18 there is some language in there that says that, "The
19 most important working relationship a Partner will have
20 at Starbucks is the one with the Manager who is there
21 for support. To provide that Manager's need to know of
22 any concerns or questions, Partners should talk with
23 their Manager if they have any questions, concerns, or
24 suggestions regarding their position for
25 responsibilities."

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1 Does that sound like something that is in the
2 Partner Guide?

3 A. Yes.

4 Q. Okay. And so -- I mean, that talks about Manager,
5 and so but for -- for Baristas and Shift Supervisors,
6 that would be their Store Manager; correct?

7 A. Correct.

8 Q. Okay. And then it also says that if -- if that --
9 if addressing something with the Partner's Manager
10 doesn't work, then they can go to the District Manager.

11 A. Correct.

12 Q. Does that --

13 A. That is the "How We Communicate" standard.

14 Q. Okay.

15 *[Long pause]*

16 Q. Going back to the -- we were talking about the
17 corrective actions that you have handled.

18 A. Yes.

19 Q. Was that specifically terminations, all five were
20 terminations, or did they vary?

21 A. They varied.

22 So, I had one fraud termination at this particular
23 location, 2895. We did a Shift Supervisor separation
24 that I led, because that Store Manager was on vacation
25 with the shift that unfortunately fell victim to a

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1 phishing scam in the store, and violated our policies.

2 I separated a Partner for theft, who stole items
3 out of our RTD case in front of their Store Manager.

4 And then I worked through a Partner scenario that
5 resulted in corrective actions for a Partner at a store.

6 Q. Okay, so in what you mentioned, I counted at least
7 three terminations.

8 A. Yes.

9 Q. Or separations?

10 A. Correct.

11 Q. Okay, but -- but at least one was not a separation?

12 A. Correct.

13 Q. Okay. And I'm sorry if -- if you already spoke to
14 this, and we may have some evidence elsewhere in the
15 record, but how many Districts -- how many employees are
16 in the District?

17 A. I wouldn't have an exact number for you, at
18 thirteen stores, anywhere from twenty to thirty
19 Partners, so I would imagine it is right around 250 to
20 300.

21 Q. Okay.

22 *[Long pause]*

23 Q. Would the number approximately 277 sound --

24 A. Yes.

25 Q. -- off to you?

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1 A. That sounds about right. The last time I looked at
2 the entire District roster, I think it was something
3 like 279, so... Yeah, anything in that ball park is --
4 it is valid.

5 Q. Okay. And we talked about the promotional process,
6 and that is -- the Store Managers have some involvement
7 in -- in coming up with a promotion plan for Partner
8 development?

9 A. Yes, the Store Managers would work with Partners in
10 development. We have what is called a Field Ops Guide
11 that offers some examples of developmental shifts for
12 anyone within the Company, so we have got a page
13 dedicated for Barista to Shift Supervisor growth. There
14 is another page dedicated for Shift Supervisor to Store
15 Manager growth, Store Manager to District Manager, and
16 District Manager to Regional Director, that helps guide
17 that work.

18 Q. And the Store Managers --

19 A. Yeah, it would be a part of the PDC's.

20 Q. Okay.

21 A. The Performance and Development Conversations.

22 Q. Between Store Managers and Partners?

23 A. Correct. I also play a role when I have Shift
24 Supervisors as the hiring manager for our Assistant
25 Manager position. When I have Shift Supervisors who are

1 in development, I try to meet with them on a cadence, as
2 well, just to check in on their development and their
3 readiness to interview for the position.

4 Q. Okay. You gave a couple of examples in which you
5 had discussed with Alana regarding separations.

6 Do you recall that?

7 A. Yes.

8 Q. Okay. Aside from separations, does the Store
9 Manager have discretion to impose discipline without
10 checking with you?

11 A. So if it falls within our Partner Relations Virtual
12 Coach topics, with directive summaries. It is sort of
13 like a decision tree that they would use online; ask
14 them questions like, "Is the Partner late for their
15 scheduled shift?" Yes, no. "Could it have been due to
16 a medical reason?" Yes, no, and they would fill out
17 that questionnaire.

18 And it is directly answered in the Partner
19 Relations Virtual Coach. I don't have my Managers loop
20 me in on, unless it is resulting in a Final Written
21 Warning. Anything outside of that scope, if there are
22 some gray area issues, they will partner with me on.

23 Q. And in the instance that there is a separation,
24 like the Corrective Action Form, there is a Notice of
25 Separation Form; correct?

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1 A. Correct.

2 Q. And there is -- that is not something that the
3 District Manager is required to sign?

4 A. No. It would be the Store Manager that is
5 delivering it that would sign it.

6 Q. In -- in terms of picking up extra shifts, you
7 talked about something called the Shift Marketplace?

8 A. Yes.

9 Q. And I think you said that was something new or
10 being implemented?

11 A. It is a fairly new tool. I believe it came to us
12 in January, so we still see a lot of the old process
13 happening in conjunction with slowly getting onboard
14 with the new technology process.

15 Q. Going back to the discipline situations, would you
16 say that commonly occurring situations are addressed by
17 this Partner -- Partner Relations - Virtual Coach?

18 A. Yes, it would include time and attendance, dress
19 code, unprofessional behavior, policy violations in
20 regards to safety and security or cash.

21 Q. And, again, is that something that is specific to
22 this District, or is that something that is applicable
23 to the other Districts that you have worked?

24 A. I would not be able to speak to if other Districts
25 follow that exact procedure or not, but that is my

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1 general understanding of how the Partner Relations -
2 Virtual Coach works.

3 Q. Well, did you use it when you worked in those
4 Districts?

5 A. Yes. It used to be called the PRST - Virtual
6 Coach. It has not been around my entire tenure with
7 Starbucks, but in the years that it has been around, we
8 were approved to follow the steps of the Virtual Coach
9 without further approval.

10 Q. And so if a -- if a Partner wants to -- we talked
11 about the situation of swapping. I believe you --
12 swapping shifts. I believe you testified as to this.

13 If a Partner wants to be available for more shift,
14 or pick up more shifts, how do they go about doing that?

15 A. So, there is a couple different ways. They could
16 ask their Store Manager to borrow them out to stores
17 that they would be willing to pick up shifts at, in
18 which case, they would have visibility to any shifts at
19 that store's particular Shift Marketplace. They could
20 go post their phone number in other stores, just on the
21 store schedule, saying, "Partner looking for hours." I
22 have seen that happen in the past, or they could just
23 reach out to their Store Manager directly. Even today
24 on my Work Chat, I had a Store Manager that was like, "I
25 have a Partner available next Tuesday and Thursday.

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1 Does anyone need someone," so we would work together
2 collaboratively to find them hours outside of the
3 Company tools.

4 Q. So that Partner went to their Store Manager and the
5 Store Manager posted on the platform?

6 A. Yes.

7 Q. Okay. So, let me see if I can do this...

8 *[Long pause]*

9 Q. Okay, this is, I think, Exhibit 10 that was -- was
10 the -- the -- is this the Facebook-like platform?

11 A. This is the Workplace.

12 Q. Okay.

13 A. Not the chat, but the actual Workplace site.

14 Q. Okay, and is this -- who -- who is in -- who has
15 access to Facebook Workplace?

16 A. So all ASM's, Store Managers, and above have
17 access, and then there is pockets of Shift Supervisors
18 and Baristas that are a part of our ASU program, that
19 are also granted access to Workplace.

20 This particular group is the 2087 Workplace Group
21 that only has members that are Store Managers and myself
22 within District 2087, and I believe a few other DM's
23 that proxy my District while I am on vacation, are a
24 part of the group, as well.

25 Q. Okay, so in this particular one, no -- no Shift

1 Supervisors?

2 A. That's correct.

3 Q. Okay, and this is particular for your District and
4 -- and you said there are some Store Managers from other
5 Districts to assist with --

6 A. No, no, no. I have a few other DM's that are a
7 part of the 2087 group. They proxy my District while I
8 am on vacation, so it gives them a way to reach out to
9 my whole team while I am gone, but outside of that, it
10 is just Store Managers in my District.

11 Q. Okay. And I think you described a situation in
12 which this Michael Boudreau and Carolyn Varner are the
13 Managers for the two Downtown stores; is that what you
14 said?

15 A. Yes.

16 Q. Okay, and so they are posting that they need --
17 let's see, they are looking for coverage?

18 A. Yes, they were looking for additional Partners
19 between the blocks of 8:00 a.m. and -- to 4:00 p.m., and
20 8:00 a.m. to 5:00 p.m. This was during a rodeo.

21 Q. Okay.

22 A. They were experiencing some volume shifts down
23 there.

24 Q. Okay, and then, Melody Tyo, this -- this is a
25 different post from the first one, right?

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1 A. Correct.

2 Q. I am now on Page 2.

3 A. Okay.

4 Q. And so on Page 1, Michael Bouderaux posted, and
5 Carolyn Varner replied; correct?

6 A. Correct.

7 Q. On Page 2, Melody Tyo posted and Keeanna Harris and
8 Lisa Severson replied.

9 A. Correct.

10 Q. Page 3, Lisa Severson posted, and Keeanna Harris --
11 and I think you testified to this, it is now covered up
12 on my screen by the black box, but you also replied; is
13 that right?

14 A. Correct.

15 Q. So, in none of the -- in Exhibit 10, in those
16 examples, none of these examples involve the petitioned-
17 for store; correct?

18 A. Not these particular examples, no.

19 Q. Okay.

20 A. But as far as -- that store -- that store is very
21 adequately staffed, and is not often the store that is
22 looking for coverage. It is more often the store that
23 is able to send Partners to help other stores.

24 Q. And then, is -- is it up to the Store Manager to
25 make -- to create these posts?

1 A. Yes.

2 Q. Okay. And in -- and we also didn't see the Store
3 Manager for the petitioned-for store reply; is that
4 correct?

5 A. Not to these particular ones, no.

6 Q. Okay. And -- let's see...

7 *[Long pause]*

8 Q. Do you see Exhibit 11?

9 A. Yes.

10 Q. And this is Work Chat?

11 A. Correct.

12 Q. Okay, and this is what you described as similar to
13 sort of like the Facebook Messenger?

14 A. Correct.

15 Q. Okay.

16 A. It links to all of the numbers of Workplace, and
17 this particular chat is very similar to the group, but
18 this one just contains myself and the -- the Store
19 Managers. It doesn't have any external DM's in it.

20 Q. And we see at the top of Page 1, it says 2087.
21 That is the District number right?

22 A. Correct.

23 Q. Okay. And so, here, I think you described the
24 situation, and we can see from what Amanda Perez posted,
25 she is looking for coverage at her store, is that

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1 correct?

2 A. That's correct.

3 Q. Okay, and I don't see any posts or replies by -- by
4 Alana on Page 1, do you?

5 A. I don't for this particular example, no.

6 Q. Okay. And Page 2, once again, Amanda Perez?

7 A. Correct.

8 Q. Okay. Page 3 there is nothing by Alana here?

9 A. Correct.

10 Q. And Page 4, anything by Alana?

11 A. No.

12 Q. Okay.

13 *[Long pause]*

14 Q. You talked about your visits to the stores; do you
15 recall that?

16 A. Yes.

17 Q. Is there a record of your visits?

18 A. It would be on my calendar and through my One Note.

19 Q. Okay, but there is no -- I mean, you may or may not
20 have seen this, but we have -- as part of the record in
21 this case, we have data that shows the shifts that are
22 worked by the Partners, Baristas and Shift Supervisors.

23 There is no record of -- like that, of when you go to --

24 A. Yeah, I don't punch in or out. I would be on the
25 COVID Check-In Log, would be probably the most physical

1 evidence you would be able to get at a store, outside of
2 Partner testimony.

3 Q. And we saw a map that was Exhibit 4, and I think --
4 I don't know if we talked -- if the testimony called
5 them "clusters," but we talked about -- I think you said
6 there were some that were near the Medical Center.

7 A. Correct.

8 Q. Right?

9 A. Yes.

10 Q. And then there are two stores that are Downtown?

11 A. Correct.

12 Q. Is it fair to say that those are further away from
13 the rest of the stores?

14 A. Yeah, those two stores are kind of down there by
15 themselves, while the rest of my group is much closer
16 together.

17 Q. And --

18 A. Closer than it was before the realignment though.

19 Q. Fair enough, because there used to be a store in
20 Eagle Pass; is that right?

21 A. Eagle Pass, Del Rio, and Uvalde.

22 Q. Okay, and one of the hiring fairs that we looked at
23 involved the Eagle Pass store.

24 A. That's correct.

25 Q. Okay, do you know the distance to Eagle Pass from

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1 San Antonio?

2 A. 157 miles?

3 Q. And that was in the District before?

4 A. Correct.

5 Q. Is it fair to say that the customer base can vary
6 from, for example, the Downtown stores to the 410 and
7 Vance Store?

8 A. Sure.

9 Q. And I think you -- you talked about the different
10 layouts or types of stores. What types of stores are
11 the Downtown stores?

12 A. So both of my Downtown locations are café-only
13 locations. They do not have a drive-through.

14 *[Long pause]*

15 Q. You talked about situations in which supplies or
16 ingredients, for lack of a better term, may run out --

17 A. Yes.

18 Q. -- and there is -- and stores can borrow from each
19 other?

20 A. Correct. We have an internal transfer process
21 through our Inventory Management System.

22 Q. Okay. And I think you said that the store can
23 decline to lend supplies?

24 A. They could if they don't have enough.

25 Q. And is that the -- a decision by the Store Manager?

1 A. Typically, yes.

2 Q. Okay.

3 A. I think that is sometimes where DM's get involved
4 and balance out product when there are severe expected
5 shortages, just to ensure we balance what we have, but I
6 have never had to force my team to share what they have.

7 Q. But that is a call that the Store Manager would
8 make, based on his or her supplies at his or her store?

9 A. Correct, or the person in charge; the Shift
10 Supervisor on duty would be able to say yes or no to
11 another store calling for product, based on the same PAR
12 calculations they would do for ordering.

13 Q. We looked at a couple of exhibits. One had to do
14 with the change in hours, and you described how there
15 had been some incidents in the nearby area, and I think
16 the AT&T store was going to be closing earlier. Do you
17 recall that testimony?

18 A. Yes.

19 Q. Now, that -- that is a discussion that the Store
20 Manager initiated with you; correct?

21 A. That's correct.

22 Q. Okay, and then you -- you -- and I -- did you
23 support that decision to keep the hours as they were for
24 the time-being?

25 A. Yes.

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1 Q. Okay, and there was another instance in which you
2 had a question about either her exceeding the labor
3 forecast or doing a labor investment. I can't remember
4 which one it was.

5 A. Yes. It was her exceeding the forecasted labor
6 without letting me know, so I asked my Store Managers if
7 they are going to post a schedule on Monday that is
8 above the forecast, that those investments have already
9 been approved by me, and we have had a discussion about
10 them. I go in every Tuesday and look at posted
11 schedules. I found a schedule that was above forecasted
12 investments, and could not find in my notes where we had
13 had that discussion, so I reached out to get clarity
14 over what the investments were for, and then aligned.

15 Q. Okay. Let me pull one up.

16 *[Long pause]*

17 Q. Is that big enough for you to see?

18 A. Yes.

19 Q. Okay, and so this was Exhibit 8.

20 A. Correct.

21 Q. And this was a situation -- and this is -- this is
22 not a reply. This is an e-mail in which she is e-
23 mailing you, correct, and "she" is Alana.

24 A. Yes.

25 Q. And here she is trying to explain, according to

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1 her, her reasoning on making certain labor investments;
2 is that fair?

3 A. Yes.

4 Q. Okay, and again, she initiated this discussion; is
5 that right?

6 A. Well, the e-mail was sent to me in response to a
7 Workplace post where I asked every Store Manager to send
8 me a recap if they were investing.

9 Q. Okay.

10 A. This is just her letting me know what the
11 investments were at, and how long -- and how much longer
12 she would like to continue them.

13 Q. And did you support this?

14 A. Yes.

15 Q. Okay, so you didn't overrule her on that?

16 A. That's correct.

17 Q. I think -- going back to interviews, or
18 applications, did you -- I think you said that if -- if
19 somebody applies for particular stores, and if there is
20 a period of time after which nobody is -- like the Store
21 Manager for that location or those locations -- let me
22 stop sharing here -- hasn't reached out for an
23 interview, then the application will get released to a
24 pool; that what you said?

25 A. Yes.

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1 Q. Okay, and I think you said that is like a 10-mile
2 radius of the --

3 A. It defaults to a 10-mile radius, so the Store
4 Manager would just go in and say, "View Pooled
5 Applicants," and it would default to any applicants that
6 lived within a 10-mile radius of their store, but they
7 have the capacity to adjust that, up to, I believe,
8 fifty.

9 Q. And that is something that the Store Manager --

10 A. Yes.

11 Q. -- or the applicant?

12 A. The Store Manager can adjust it in Taleo, and open
13 up any applicants in a pool that lived miles in their
14 house to be able to reach out to.

15 Q. Okay, and that is up to the Store Manager to select
16 the radius?

17 A. Yes, and that would be just in instances where they
18 would need to source beyond their own applicant pool,
19 like if they had a lower applicant pool.

20 Q. Okay. Now, if -- if a store -- the layout or the
21 type -- the type of the store creates differences for
22 the particular stores, right? I mean, there is a
23 different layout, for example, if the store is just a
24 café or if it has a drive-through; is that fair?

25 A. Yeah.

1 Q. It will affect Partner assignments; is that fair?

2 A. It is like deployment, but even the drive-through

3 stores have different deployments due to product mix.

4 So there is a lot more complexities than just store type

5 that go into most of our tools.

6 Q. Okay, but yeah, but no one -- but if a store is a

7 café, there is nobody deployed to do drive-through.

8 A. Right.

9 Q. Obviously, different technology, headsets; things

10 like that?

11 A. Correct.

12 Q. I think you also mentioned that there is a capital

13 investment at the petitioned-for stores, right?

14 A. Capital expense; it is -- if facilities work is

15 done outside of our remodel budget, so we are given a

16 secondary budget for capital expenses to be able to do

17 smaller casework type projects.

18 Q. And the reason for that is, I think you said, to --

19 for mobile orders?

20 A. Right. To extend the space at the hand-off plain,

21 to be able to store more orders in that ready. That

22 area gets super congested with the volume that the store

23 does, and it is a very small hand-off plain, so once six

24 or seven orders are ready to be picked up by customers,

25 the plain is full.

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1 Q. Okay, and this is something that this -- that this
2 particular investment or remodel is specific to the
3 petitioned-for store?

4 A. Correct.

5 Q. Okay.

6 A. And we have other stores that are getting the same
7 type of Mock Chop expense project, but, yes.

8 Q. But at this time, this -- this is something that is
9 particular to this store, at the moment?

10 A. Right.

11 MR. QUINTO-POZOS: If I could just take a short
12 break, I may be done, but I just want to check my notes.
13 Is that possible to maybe take a five-minute break?

14 MS. MEYER: Yeah, I could use one, as well.

15 HEARING OFFICER SYKES: Yeah, that -- that sounds
16 all right.

17 MR. RAHHAL: How about a ten-minute break? Would
18 that be okay?

19 MR. QUINTO-POZOS: That's fine with me.

20 HEARING OFFICER SYKES: That's -- yeah. Okay, so
21 around 3:04...

22 MR. QUINTO-POZOS: Okay, thank you.

23 HEARING OFFICER SYKES: Yep. Off the record.

24 *[Off the record]*

25 Q BY MR. QUINTO-POZOS: Ms. Martin, who is Kevin

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1 Johnson?

2 A He's our CEO.

3 Q Are you aware of a letter that a group of workers
4 from the petitioned for store sent Mr. Johnson about
5 joining a union?

6 A Yes, I've seen that petition letter.

7 Q Okay. And when did you see it?

8 A On Twitter when it posted that evening.

9 Q Okay. And do you recall approximately when that
10 was?

11 A 7:00 p.m., February 7th maybe. It was right after
12 my kids went to bed.

13 Q Okay.

14 MR. QUINTO-POZOS: I'll pass the witness. Thank
15 you, Ms. Martin.

16 THE WITNESS: Sure.

17 MS. MEYER: Thank you. Just a second. Let me
18 share my screen.

19 HEARING OFFICER SYKES: I think I was muted. Do
20 you have some redirect?

21 MS. MEYER: Oh, yes, I do have a couple of
22 questions. I didn't mean to jump in on you if you were
23 intending to ask questions next.

24 HEARING OFFICER SYKES: No, you can go ahead. When
25 you're done, I may have one or two, but that's about it.

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1 MS. MEYER: Got it.

2 REDIRECT EXAMINATION

3 Q BY MS. MEYER: Casey, do you recall being asked
4 some questions about the store manager job description?

5 A Yes, ma'am.

6 Q And we specifically looked at this language that
7 says in particular, "A majority of time is spent
8 supervising and directing the workforce, making staffing
9 decisions, i.e. hiring, training, evaluating,
10 disciplining, discharging, staffing, and scheduling,
11 ensuring customer satisfaction and product quality,
12 managing the store's financial performance, and managing
13 safety and security within the stores." Do you see that
14 language?

15 A Yes, ma'am.

16 Q Okay. I specifically want to look at, you know,
17 these different categories involved in staffing
18 decisions.

19 So with respect to hiring in particular, we talked
20 about store managers, they use interview guides when
21 they're conducting interviews. Is that correct?

22 A Correct.

23 Q And they're expected to follow that outline of
24 questions that they're given?

25 A Correct.

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1 Q And do the store managers develop those interview
2 guides?

3 A No.

4 Q So they can't come up with their own script for
5 interviews?

6 A Correct. It's actually in the interview acumen
7 training to follow the interview guide exactly.

8 Q Okay. And so they receive specific training on how
9 Starbucks wants these interviews to be conducted?

10 A Yes.

11 Q And then in terms of determining how many partners
12 a store needs, who makes that decision?

13 A So it's a conjunction decision between the store
14 manager and the partner planning tool, and then I touch
15 base on where that leaves us at the portfolio level
16 staffing-wise for the partner planning tool.

17 Q And so if the store manager wanted to deviate from
18 the number that they're given from the partner planning
19 tool, would they have to seek further approval?

20 A Not necessarily. Typically, most adequately
21 staffed stores will go plus one or plus two on the
22 partner planning tool to account for vacations, requests
23 off, availability changes, and still be able to
24 function.

25 Q Okay. And then the next category mentioned here is

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1 training. And I think we've talked about the First Sip
2 and the Barista Basics. That is content developed by
3 Starbucks?

4 A Correct.

5 Q And it's the same in every store?

6 A Correct, with the option to remove buckets based on
7 store type like drive through or nitro.

8 Q Okay. But a drive through store has to do the
9 drive through training. The store manager can't decide,
10 well, I'm not going to give that training?

11 A Correct.

12 Q Okay. And then the next category talks about
13 evaluating. And with respect to evaluating, is that the
14 partner development conversations that --

15 A No. We use an --

16 Q Let's try not to talk over each other, okay? I
17 think our court reporter will be a little happier.

18 Go ahead.

19 A In terms of evaluating, we use what's called
20 learning, owning, and advising as a scale for how we
21 rate our baristas performance. So beginners are in the
22 learning sphere. We do more teaching and shoulder-to-
23 shoulder work. Once they have the hang of the routines
24 and are excelling at their jobs, they're considered
25 owning. If they're at the point where they are helping

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1 out and coaching other baristas, we would consider them
2 advisers within their role.

3 Q And those guidelines are national Starbucks's
4 guidelines?

5 A Correct. It's part of our SL-2 training that
6 managers just went through. And prior to that it was a
7 part of our PEC discussion guide with reflection pages
8 for partners to be able to assess themselves on that
9 learning, owning, and advising scale.

10 Q And so the store managers are expected to evaluate
11 partners using that -- those guidelines developed by
12 Starbucks?

13 A Correct.

14 Q And then disciplining. We talked about how all
15 stores in your district to use the same corrective
16 action form, correct?

17 A Yes, ma'am.

18 Q And store managers are expected to use virtual
19 coach in determining which level of discipline to issue?

20 A Yes.

21 Q And so if a virtual coach recommends a documented
22 coaching, can a store manager on their own decide that,
23 you know, this was a more severe offense, and I think a
24 written warning is appropriate?

25 A No. They would need to partner with partner

1 relations or their district manager to exceed those
2 recommendations.

3 Q And then discharging. Again, that's something that
4 you're also involved in, correct?

5 A Correct.

6 Q And the store manager does not have the authority
7 to discharge a partner without your input?

8 A Correct.

9 Q Staffing, I think we've already talked about.
10 That's discussed during the partner planning visits and
11 using that partner planning tool?

12 A Yes, ma'am.

13 Q Okay. And then scheduling. What is the tool that
14 the store managers use to prepare the schedules again?

15 A So they use the application Starbucks Partner
16 Hours, and their forecast is populated on a weekly labor
17 recap.

18 Q Okay. And then partners also provide their
19 availability on the partner availability form?

20 A And within Starbucks Partner Hours, yes.

21 Q Okay. And so the store managers prepare those
22 schedules based on all of that information that's
23 provided in those tools?

24 A Correct.

25 Q There's also a reference in this document about --

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1 something about -- oh, drives the implementation of
2 company programs by developing action plans. Do you
3 have any involvement in helping store managers develop
4 action plans?

5 A Yes. So that's the bulk of the shoulder-to-
6 shoulder work that happens during a period planning
7 visit. So we're given company initiatives in our period
8 planning guide, store manager and district manager
9 activity, so we work through calendaring those out as
10 well as updating the store action plan based on store
11 priorities and detailed actions being taken at the store
12 to achieve certain results. And that's what links up
13 the observant coach visits with the period planning
14 visits because the observant coach visits do more
15 detailed follow up on whether or not those store action
16 plan items were executed.

17 Q Going back to hiring. I think you were asked, you
18 know, do store managers have the discretion to, you
19 know, pick who they want to interview from among a
20 candidate pool? Is that correct?

21 A Yes.

22 Q And are they given any guidelines or things that
23 they're looking for when selecting a candidate?

24 A So within the training, they're told that if a
25 candidate meets the qualifications for the role, they

1 need to be interviewed for the role when it's
2 competitive. So if you're looking for a closing
3 barista, you would interview all the baristas with job
4 history and availability that would reflect their
5 ability to be a closing barista.

6 Q So if --

7 A And if you have morning availability, if you're
8 hiring for a specific day part.

9 Q So when there's are multiple applications for a
10 position, is that what you mean by competitive?

11 A Right.

12 Q Okay. So when there are multiple applications for
13 a position, the store manager has to interview everyone
14 who meets the baseline qualifications?

15 A Whoever is a viable candidate for that position,
16 yes.

17 Q Okay. And then you were also asked about whether
18 store managers can approve things like -- or whether
19 they are the people who approve things like bereavement
20 or jury duty. Do you recall that?

21 A Yes.

22 Q Or vacation. Are store managers given any guidance
23 or rules on how to approve or deny those requests or
24 when they can approve or deny those requests?

25 A Yes. All of the specifics around bereavement and

1 vacation are all found in our partner resources manual
2 with the requirements to be eligible for those and how
3 they are input into the system.

4 Q So if a partner doesn't meet the eligibility
5 requirements for jury duty, the store manager could not
6 decide to approve them anyway?

7 A Correct. They would have to go through our partner
8 resources manager for any type of exception to those
9 requirements.

10 Q You testified about this new tool called shift
11 marketplace for partners to swap shifts with other
12 partners. Is that right?

13 A Yes.

14 Q And you testified that that tool was implemented in
15 January?

16 A I believe so.

17 Q But prior to the implementation of that tool, were
18 partners still permitted to swap shifts?

19 A Yes.

20 Q And were you aware of them doing so?

21 A Yes.

22 Q Okay. And they just did it through a different
23 method?

24 A Correct. Usually reaching out to their own store
25 team, posting the shift at another store, or store

1 managers reaching out to their own partners to borrow
2 out to neighboring stores.

3 Q And earlier we looked at the workplace chats and
4 the work -- or the workplace app and the work chats
5 related to store managers looking for shift coverage.
6 Do you recall those exhibits?

7 A Yes, ma'am.

8 Q And we didn't see a lot of names posted on any of
9 those, correct?

10 A Right.

11 Q But does she have access to those applications?

12 A Yes.

13 Q And you stated that this store lends more partners
14 than it borrows. Is it true?

15 A Correct.

16 Q And what is your understanding of the reason for
17 that?

18 A She's got a very solid staff at this store. She
19 had a heavier population of shift supervisors throughout
20 the holiday. I believe she ran with seven or eight
21 supervisors in our store when most of my stores had six.
22 So she just had more wiggle room with who was off or
23 working a shorter shift and available to help out at
24 neighboring shifts. She has also got a very passionate
25 team who enjoys training and likes to help out, so they

1 jump on the hours to support the district.

2 Q And you were asked a question about whether the
3 downtown stores have a different customer base than this
4 store around the medical center. Do you recall that?

5 A Yes.

6 Q Does the fact that there's a different customer
7 base affect how you apply or how partners are expected
8 to treat customers?

9 A No.

10 Q Any differences in how partners interact, you know,
11 based on the customer base?

12 A Not necessarily, no. The only difference I would
13 say is potentially product mix. So our downtown market
14 is a high tourist environment. So our patrons there are
15 more likely to order items that are pictured on the menu
16 boards. For example, whereas the ones near medical
17 centers are closer to neighborhoods and experience more
18 regulars and have more consistent product usage.

19 Q And then you also testified about some supply
20 sharing amongst the stores in your district. And there
21 are times when a store manager or a shift supervisor can
22 say, you know, we're not able to share supplies at this
23 time. Do you recall that?

24 A Yes.

25 Q And I think you said that, you know, if they're

1 declining to share, that's based on their par
2 calculations. Is that right?

3 A Correct.

4 Q And can you expand on that?

5 A Sure. So if they don't have enough product to meet
6 the par they need before their next order arrives, they
7 would not be expected to run out of their own product
8 early to compensate for another store's product. So if
9 I only have two bottles of vanilla and I'm not getting
10 anymore in, I wouldn't be required to give that vanilla
11 to another store.

12 Q Okay. So they're still using that par builder tool
13 and Starbuck's technology to make that determination of
14 whether or not to share supplies?

15 A Yes.

16 Q All right.

17 MS. MEYER: I didn't realize I was still sharing.
18 Okay, that's all for me.

19 HEARING OFFICER SYKES: Okay. Do you have any
20 recross?

21 MR. QUINTO-POZOS: I don't believe so, no.

22 HEARING OFFICER SYKES: Okay. I guess we can go
23 off the record for maybe two to three minutes. I might
24 have just a few questions. So can we go off the record?

25 *(Off the record.)*

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1 HEARING OFFICER SYKES: In an off the record
2 discussion, we were talking about the partner guide that
3 was mentioned in testimony, and we wanted to see if
4 there is a specific citation to a prior case, so if the
5 Petitioner is aware of where that is located.

6 MR. QUINTO-POZOS: Yeah. And it is Employer's
7 Exhibit 13 from the *Buffalo I* case.

8 HEARING OFFICER SYKES: Okay. Thank you. We can
9 go back off the record then.

10 (Off the record.)

11 HEARING OFFICER SYKES: On the record. Okay. And
12 thank you for taking all this time. I'll try to be as
13 quick as I can.

14 EXAMINATION BY COURT

15 HEARING OFFICER SYKES: So in your testimony you
16 mentioned a hiring fair that you had attended, or it may
17 have been your store managers attended.

18 THE WITNESS: Yes.

19 HEARING OFFICER SYKES: Was that kind of a unique
20 event or are you aware of other hiring fairs that you've
21 had in the San Antonio district before that?

22 THE WITNESS: Typically, it's a common practice
23 among districts. They don't happen as regularly because
24 we've been in a pandemic, but it's a regular part of our
25 district to hold a hiring fair when there are immense

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1 staffing needs. Even at the district manager level we
2 hosted a store manager hiring fire this week in Area 61.

3 HEARING OFFICER SYKES: Okay. Throughout the
4 testimony there was, you know, lots of references to
5 various, you know, tools that the Company has. A Play
6 Builder or Virtual Coach. I guess my question is as a
7 district manager, have you ever had to discipline a
8 store manager for their use or failure to use Play
9 Builder?

10 THE WITNESS: No.

11 HEARING OFFICER SYKES: Have you ever had to -- as
12 a district manager, have you ever had to discipline
13 somebody for how they use or fail to use Virtual Coach?

14 THE WITNESS: No.

15 HEARING OFFICER SYKES: As a district manager, have
16 you ever had to discipline a store manager for the
17 process or methos of how they hired somebody?

18 THE WITNESS: No.

19 HEARING OFFICER SYKES: Okay. One issue that
20 sounds like maybe is common at the stores is this mobile
21 ordering where, you know, a lot of customers are
22 ordering mobilely instead of coming in and -- you know,
23 it sounds like it may create kind of a backlog at your
24 stores. I can't remember your testimony. Did you say
25 that a store manager has discretion to turn off mobile

1 ordering for their stores?

2 THE WITNESS: Yes. To turn off mobile ordering,
3 you need to send a specific email to a specific address
4 from a Starbuck's email account, and store managers have
5 a Starbuck's email account.

6 HEARING OFFICER SYKES: But you wouldn't have to
7 approve a decision to turn it off?

8 THE WITNESS: Not prior to, but I do ask that my
9 store managers loop myself and the group in. In some of
10 the previous pieces of evidence in the work chat you'll
11 see some messages from store managers about shutting
12 mobile order off. I just follow up if it becomes a
13 recurring event like it's an automatic response to
14 something, but I let them make the decision in the
15 moment.

16 HEARING OFFICER SYKES: Okay. And have you ever
17 had to discipline a store manager for turning off mobile
18 ordering?

19 THE WITNESS: Not in a written documentation form,
20 but I have had coaching conversations about how that
21 might not have been the best decision in the moment, and
22 we kind of walked through what else could have happened
23 for the next time.

24 HEARING OFFICER SYKES: Okay. There was reference,
25 you know, to hiring being contingent on a background

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1 check. To your knowledge, is this background check
2 pretty standard across the San Antonio district?

3 THE WITNESS: The background check is standard
4 across the entire company.

5 HEARING OFFICER SYKES: The whole company?

6 THE WITNESS: Yes.

7 HEARING OFFICER SYKES: Okay. And another tool
8 that was mentioned was Partner Hours. Have you ever had
9 to discipline a store manager because of how they used
10 or failed to use Partner Hours?

11 THE WITNESS: No.

12 HEARING OFFICER SYKES: Okay. I think that's
13 really all I had. You know, sometimes when I ask
14 questions, the parties then have another question, so I
15 don't know if either party has any further questions
16 after what I have asked.

17 MS. MEYER: I do have just a couple of questions.

18 HEARING OFFICER SYKES: Okay.

19 REDIRECT EXAMINATION

20 Q BY MS. MEYER: Casey, are you aware of any store
21 managers who are not using Play Builder?

22 A No.

23 Q If someone wasn't using -- or if a store manager
24 wasn't using Play Builder and you discovered that, could
25 you discipline them for that?

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1 A Yes.

2 Q And is the same true for like Virtual Coach or
3 Partner Hours?

4 A Correct.

5 MS. MEYER: That's all for me.

6 HEARING OFFICER SYKES: Okay. Is there any further
7 questions from the Petitioner?

8 MR. QUINTO-POZOS: Maybe one or two.

9 RE CROSS EXAMINATION

10 Q BY MR. QUINTO-POZOS: Ms. Martin, are you still
11 there? Are you still with us? You might be muted.

12 A Yes, I'm here.

13 Q Okay. I think you described the situation in which
14 you had a coaching conversation over turning off mobile
15 ordering.

16 A Yes.

17 Q Okay. Is that the only instance you can recall?

18 A Yes, I've only had one coaching conversation
19 surrounding mobile ordering as far as discipline.

20 Q That was one instance?

21 A Yes.

22 Q Okay.

23 MR. QUINTO-POZOS: Nothing further for me.

24 HEARING OFFICER SYKES: Okay. If there's nothing
25 further from anybody else, I can excuse Ms. Martin.

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1 Thank you for taking your time to do this.

2 MR. QUINTO-POZOS: Thank you.

3 THE WITNESS: Thank you.

4 still stay in the hearing. You're just off the hotseat.

5 *(Witness excused.)*

6 HEARING OFFICER SYKES: Okay. Do you need like a
7 few minutes to get your witness ready?

8 MS. MEYER: I think he's ready.

9 HEARING OFFICER SYKES: Well, I should ask, does
10 the Employer have any further --

11 MS. OWEN: Oh, I'm sorry.

12 MR. RAHHAL: Yeah. I was going to say maybe this
13 is a good time for us to make sure because we haven't
14 admitted our exhibits that are part of the stipulation,
15 so I want to make sure that at this time we are moving
16 to have admitted Employer's Exhibit 1(a) through (f),
17 which the parties have all stipulated as to authenticity
18 and admissibility. We would also like to move to admit
19 Employer's Exhibit 2, which is the expert's CV. We
20 would also like to admit or move to admit Employer's
21 Exhibit 3, which are the reports from the expert, Dr.
22 Abby Turner. I think that's it. I just want to make
23 sure we get all the housekeeping done before we move on
24 to the Petitioner's case. So those are the exhibits at
25 this time that I would like to move entry into the

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1 record.

2 **(Employer's Exhibit Nos. 1(a) through 1(f), 2, and 3**
3 **marked for identification.)**

4 MR. QUINTO-POZOS: Yeah. No objection. We've
5 stipulated.

6 HEARING OFFICER SYKES: Okay. So hearing no
7 objection, Employer's Exhibits 1 through 3 are entered
8 into evidence.

9 **(Employer's Exhibit Nos. 1(a) through 1(f), 2, and 3**
10 **received into evidence.)**

11 And based on that, is the Employer resting or are
12 you going to have further witnesses to call?

13 MS. MEYER: We're resting.

14 HEARING OFFICER SYKES: Okay. If you're ready, you
15 can call your first witness, Manuel, or if you need five
16 minutes, I can do that as well.

17 MS. OWEN: Yeah. I think we're ready to go.

18 HEARING OFFICER SYKES: Okay. Let me -- can we go
19 off the record?

20 *(Off the record.)*

21 HEARING OFFICER SYKES: Okay.

22 (Whereupon,

23

C.J. CRAIG

24 having been sworn/affirmed, was called as a witness
25 herein, and was examined and testified via video-

1 conference, as follows:)

2 HEARING OFFICER SYKES: Okay. Thank you.

3 DIRECT EXAMINATION

4 Q BY MS. OWEN: Hi, C.J. Could you state your name
5 for the record, please?

6 A C.J. Craig.

7 Q And how are you employed?

8 A I'm a shift supervisor, part --

9 Q Okay. I'm sorry?

10 A Part time.

11 Q Part time. And is that at the Starbucks store at
12 410 and Vance Jackson?

13 A Yes.

14 Q Okay. And sometimes I may refer to this as the
15 Vance Jackson store. Do we have an agreement that when
16 I refer to it in that manner that we're talking about
17 the Starbucks store at 410 and Vance Jackson? Is that
18 all right?

19 A Yes.

20 Q Okay. When did you begin working at the store?

21 A April of last year.

22 Q Okay. So April of 2021?

23 A That's correct.

24 Q Okay. And can you tell us a little bit about that
25 store at Vance Jackson? Is it set up as both a café and

1 a drive through?

2 A That is correct.

3 Q Okay. And is it a busy store?

4 A I would say it busier, but by Starbuck's standards,
5 I understand it's not like a busy, busy store.

6 MR. RAHHAL: I'll just object to the extent it
7 calls for speculation. There's been no foundation that
8 -- do you prefer to go by C.J. or Craig? I want to make
9 sure --

10 THE WITNESS: C.J. is fine.

11 MR. RAHHAL: There's no foundation that C.J. has
12 worked at other stores where he could compare the amount
13 of business from one store to another.

14 MS. OWEN: Okay. That's fine.

15 Q BY MS. OWEN: How many -- what are the hours of the
16 store?

17 A It's 5:00 a.m. to 9:30 p.m.

18 Q Okay. And how many shifts of employees work at
19 this store?

20 A Can you rephrase the question?

21 Q Sure. Are there different employees that work
22 different shifts?

23 A Yes.

24 Q Okay. And how many sets of shifts are there? Like
25 is there a morning, afternoon, and evening?

1 A We typically have an opening shift, a mid-shift,
2 and a closing shift.

3 Q Okay. And what shift do you work on?

4 A I have worked all three shifts. Recently I have
5 worked morning shifts. When I was hired on, I was
6 primarily working closing shifts, and right now, I'm on
7 mid-shifts.

8 Q Okay. And who is your supervisor?

9 A As in I am a shift supervisor or who --

10 Q No, I'm sorry. Yeah, who is your supervisor? Who
11 do you report to?

12 A Alana. She's the store manager.

13 Q Okay. And what's Alana's last name?

14 A I've never used it. I never remember. I'm so
15 sorry.

16 Q Taiaroa?

17 A Yes, Taiaroa. Thank you.

18 Q And --

19 MR. RAHHAL: Can we get a spelling of that, Martha?

20 MS. OWEN: I'm sorry?

21 MR. RAHHAL: We need the spelling just so we're
22 clear.

23 MS. OWEN: If I need the spelling, I'll ask for it.
24 Okay?

25 MR. RAHHAL: Okay.

1 Q BY MS. OWEN: And so when is she -- and I'll call
2 her Alana, too. When is Alana usually at the store?

3 A She is reliably in the store on Mondays, but I do
4 see her pretty much every weekday and occasionally on
5 weekends usually toward the end of the opening shift
6 through the mid shift.

7 Q Okay. And have you ever met the district manager?

8 A I have.

9 Q Okay. And is that Casey Martin?

10 A Yes.

11 Q Okay. And how many times have you personally
12 interacted with Ms. Martin?

13 A One time.

14 Q Okay. And have you seen her come into the store?

15 A Recently, yes.

16 Q Okay. And so let me ask you, in January of 2022,
17 did some of the employees at the Vance Jackson store
18 send a letter to Kevin Johnson?

19 A We did, yes.

20 Q Okay. And what was the jest of the letter?

21 A The letter was essentially asking Kevin Johnson to
22 recognize our union as we petitioned with majority card
23 signing in the store.

24 Q Okay. After you -- after the letter was submitted
25 to Kevin Johnson, did you notice an uptick in the number

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1 of times that Ms. Martin was at the store?

2 A Yes.

3 Q Okay. And so I want to kind of divide into
4 timeframes of pre-January 2022 and after January 2022.
5 So prior to January 2022, how many times would estimate
6 that you saw Ms. Martin at the Vance Jackson store?

7 A Two or maybe three times.

8 Q Okay. And since January 2022, how many times do
9 you estimate you've seen her?

10 A Incredibly frequently. I personally know that I
11 have seen her -- I have seen her in the store on my days
12 off, and there are days that I've seen her coming to the
13 store as I'm leaving.

14 Q Okay. Why would you be in the store if it's on
15 your day off?

16 A To get coffee.

17 Q Okay. All right. So let me ask you a little bit
18 about your history. You said you started working at
19 Vance Jackson in April of 2021?

20 A That's correct.

21 Q Okay. And had you worked for Starbucks before?

22 A I had.

23 Q Okay. And when did you work for Starbucks?

24 A From 2015. I want to say August 2015 to 2018.

25 Q Okay.

1 A It was November 2018, I believe.

2 Q Okay. And so when you worked in that period from
3 2015 to 2018, where did you work? Where was the
4 Starbucks store located?

5 A I worked at San Diego, California. I had a home
6 store, and I picked up shift at about seven different
7 other stores in that area. That was the first year of
8 my time with Starbucks. Then the last two years I came
9 back to Texas where I worked at a store in San Marcos
10 and another store in New Braunfels.

11 Q Okay. Usually, if I'm asking you questions, I want
12 to kind of direct your attention to the time that you've
13 been at the Vance Jackson store unless my question
14 specifically asks you about your prior time, okay?

15 A Okay.

16 Q So did you -- how did you -- can you tell us a
17 little bit about how you got the job at Vance Jackson?
18 Did you apply online?

19 A I did, yes.

20 Q Okay. And when you applied online, were you able
21 to select the particular store that you applied for?

22 A Yes, I was.

23 Q Okay. And I assume then, did you apply for a
24 position at the Vance Jackson store?

25 A I did, yes.

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1 Q Okay. And what position did you apply for?

2 A I applied for the barista position.

3 Q And how interviewed you?

4 A Alana did.

5 Q And was Alana the only manager present during the
6 interview?

7 A Yes.

8 Q Okay. And so Ms. Martin or another district
9 manager was not present?

10 A No.

11 Q So you testified that you applied for the barista
12 position. Did Alana mention anything to you in the
13 interview about considering you for a different
14 position?

15 A About halfway through the interview she told me --
16 she asked me if I would be interested in being a shift
17 supervisor. I told her I had thought about it, and she
18 said, well, I'm actually asking you questions from the
19 shift supervisor interview.

20 Q Okay. And so did she offer you the shift
21 supervisor position in that interview?

22 A She did, yes.

23 Q Okay. And did you accept?

24 A I asked her to let me think about it, and then
25 later, I did accept.

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1 Q Okay. Before she offered you that shift
2 supervisor, did she say anything to you about how she
3 needed to check with the district manager before she
4 made the offer?

5 A Not that I can recall.

6 Q Okay. Once you were hired, did you have some sort
7 of orientation when you started at the store?

8 A I did, yes.

9 Q Okay. And can you tell us a little bit about that
10 orientation?

11 A Certainly. The orientation consisted of me
12 bringing identification and other paperwork that's
13 necessary for a standard hiring process. Then the store
14 manager and I just basically did a coffee tasting and
15 got to kind of chat and get to know each other a little
16 better and go over things like the employee handbook,
17 the excellence guide, and just kind of talk about where
18 the store was, what her goals were for the store, and
19 what I felt like I wanted to bring to the table since I
20 had previously worked with Starbucks.

21 Q Okay. And so I take it that that orientation
22 occurred at the Vance Jackson store.

23 A That's correct.

24 Q Okay. Was the district manager present?

25 A No.

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1 Q Since you've been hired, have you ever seen Ms.
2 Martin, the district manager, in your store giving
3 another employee this type of orientation?

4 A I have not, no.

5 Q Are you familiar with something called the Barista
6 Basics Training Plan?

7 A I am, yes.

8 Q Okay. And did you, upon being hired at the Vance
9 Jackson store, did you go through that Barista Basics
10 Training Plan?

11 A I did.

12 Q Okay. And who is that trained you?

13 A One of the baristas in the store trained me with
14 Barista Basics.

15 Q Okay. And what about -- did you receive any kind
16 of additional training relevant to your shift supervisor
17 duties?

18 A I did, yes.

19 Q Okay. And what did that training consist of?

20 A It consisted of a very similar program to Barista
21 Basics with online learning modules and then hands on
22 experience with a trainer. In this case, that trainer
23 was Alana.

24 Q Okay. And during that shift supervisor training
25 process or the Barista Basics Training process, did the

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1 district manager participate in that?

2 A No.

3 Q And since you've been working at Starbucks, have
4 you seen the district manager in the store giving
5 employees, other employees, this type of training?

6 A I have not, no.

7 Q Okay. Who makes the schedule for the employees at
8 the Vance Jackson store? The work schedule I mean.

9 A Our store manager, Alana.

10 MR. RAHHAL: And I'll object to the extent it calls
11 for speculation.

12 HEARING OFFICER SYKES: Overruled.

13 Q BY MS. OWEN: Are you familiar with who does the
14 scheduling at your store?

15 A Yes.

16 Q Okay. Who makes out the schedule at the Vance
17 Jackson store for employees?

18 A Alana, our store manager.

19 Q And to your knowledge, who makes the final decision
20 on scheduling issue at your store?

21 A On scheduling issues?

22 Q Uh-huh.

23 A Alana, our store manager.

24 Q As a shift supervisor, do employees sometimes come
25 to you with scheduling questions or issues?

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1 A Yes.

2 Q Okay. And what do you do under those
3 circumstances?

4 A I will work with the barista or the fellow shift
5 supervisor to try and create a solution to their
6 scheduling problem. Then if we do have an idea of a
7 solution, I redirect them to our store manager so that
8 she can view the solution and then either approve it or
9 deny it or come up with her own solution.

10 Q To your knowledge, who tracks the time of employees
11 at the Vance Jackson store?

12 A As in time for like payroll purposes?

13 Q Correct.

14 A Alana does.

15 Q Okay. And who administers the payroll?

16 A Our store manager.

17 Q Okay. Alana, correct?

18 A Yes. When she comes in on Monday, she talks about
19 doing payroll.

20 Q Okay. What if you cannot work your scheduled shift
21 for some reason? What is your understanding about how
22 you're supposed to handle that situation?

23 A Our goal is to try and solve the scheduling issue
24 ourselves by calling other partners in our store or
25 other partners at other stores to see if someone can

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1 fill the gap. But regardless of our own work, we always
2 will ultimately have to go to our store manager to get
3 that approved.

4 Q Okay. And there's been some testimony here today
5 about an app. I believe it's called the Partner Hours
6 app. Are you familiar with that?

7 A I am, yes.

8 Q Okay. And so are you able -- do you ever -- in
9 your experience there at the Vance Jackson store, have
10 you used that Partner Hours app if you need time off
11 from your scheduled hours?

12 A No, not in my time at the store.

13 Q Okay. And so again, if you need some sort of
14 schedule change, is it your testimony that that is
15 something that you work out with another employee and
16 then inform the store manager about?

17 A Yes.

18 Q Okay. And so do you use that Partner Hours app for
19 any other reason?

20 A I believe we can make our shift swap requests
21 through that app if we've talked to another partner
22 about swapping shifts. Then our store manager can then
23 approve those shift swaps, but other than checking our
24 schedule, I do not use that app for anything else.

25 Q Okay. And have you requested schedule changes

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1 through Alana?

2 A Through Alana?

3 Q Yes.

4 A I have, yes.

5 Q Okay. And have those been granted or denied?

6 A Yes.

7 MR. RAHHAL: Clarification. Is that a yes that
8 they've been granted or yes that they've been denied?

9 THE WITNESS: Both. It just depends on the
10 circumstances.

11 Q BY MS. OWEN: At the Vance Jackson store as a shift
12 supervisor, do you have the authority to deny an
13 employee's request or deny a request when employees
14 request a schedule change?

15 A Deny one? I don't believe so, but I'd say I don't
16 know for sure.

17 Q Okay. When you've requested schedule changes, have
18 you ever heard from the district manager regarding those
19 schedule change requests?

20 A No, I have not.

21 Q Okay. So is the only manager that has been
22 involved when you've requested changes to your schedule
23 been Alana?

24 MR. RAHHAL: Objection. Calls for speculation.

25 HEARING OFFICER SYKES: I'm going to overrule that.

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1 I mean, you know, you can address this in your cross
2 examination, but you know, the appropriate weight will
3 be afforded to the testimony, so you can go ahead.

4 Q BY MS. OWEN: Do Starbucks employees such as
5 yourself earn sick leave?

6 A We do.

7 Q Okay. And what's the process for calling in sick?

8 A We need to call the store, give a report of what
9 our symptoms are. Currently, with the pandemic, we will
10 then -- the shift supervisor on duty would then go
11 through what's known as the Covid coach with us, which
12 is a questionnaire asking us about our symptoms, how
13 long we've had them, and based on the responses we give
14 to that Covid coach a decision is then made as to
15 whether or not we need to just stay home for the day or
16 stay home for an extended period of time for the safety
17 of the store.

18 Q Okay. And so are you saying that if an employee
19 who is scheduled to work on the shift where you're a
20 supervisor, if they call in sick, do they talk to you?

21 A They would talk to me.

22 Q Okay. And then do you do anything with regard to
23 notifying the store manager?

24 A Immediately after letting the employee know what
25 they should do, I contact the store manager. I usually

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1 start looking at options to get the shift covered and
2 then run those options by the store manager and make
3 those adjustments.

4 Q Okay.

5 A But the store manager is kept informed at all
6 points.

7 Q Okay. And if you, as a shift supervisor, need to
8 call in sick, who do you call?

9 A I would still call the store. I can't speak to
10 whether this is actually Starbucks policy, but I will
11 also send a message to my store manager to let her know.

12 Q Okay. To your knowledge, does the district manager
13 play a role in approving an employee to take off on sick
14 leave or get involved with their sick leave
15 arrangements?

16 A To my knowledge, no.

17 Q And do Starbucks employees such as yourself earn
18 vacation leave?

19 A After one year of employment.

20 Q Okay. And have you been trained on the process
21 that employees are supposed to use if they want to take
22 vacation leave?

23 A Not at the Vance Jackson store.

24 Q Okay.

25 A But in my previous time with Starbucks, yes.

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1 Q Okay. And what is that process?

2 A We have the Daily Records Book in the store, the
3 DRB. And there is a section of it dedicated to arriving
4 at vacation hours.

5 Q Okay. And who is responsible for tracking time off
6 and making adjustments to leave balances for employees?

7 A Our store manager, Alana.

8 MR. RAHHAL: I'm going to object. Calls for
9 speculation.

10 HEARING OFFICER SYKES: I mean I'll overrule it,
11 and the decision writer will give it the appropriate
12 weight. And again, this could be addressed in cross
13 examination.

14 Q BY MS. OWEN: Have you had a performance evaluation
15 since you've worked at the Vance Jackson store?

16 A I have.

17 Q Okay. And we've heard some testimony, and there
18 are a lot of acronyms, and so I may not get this acronym
19 correct, but I believe it's called a Partner Development
20 Conversation. Is that right?

21 A A PDC, yes.

22 Q Okay. And is that the kind of performance
23 evaluation that you've had, something that was called a
24 PDC?

25 A Yes.

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1 Q Okay. And who was -- tell us about that
2 evaluation.

3 A It was --

4 Q Who was it with, for example?

5 A It was a one-on-one with our store manager, Alana,
6 who was my store manager. A one-on-one between her and
7 I. It consisted of -- I believe she gave us a
8 questionnaire. It was a piece of paper that just had
9 some questions that were designed to inspire
10 conversation and allow us to reflect on our time at the
11 store, what our strengths were, what our shortcomings
12 were, things that we would like to see different within
13 the store, ways that we feel like our store manager
14 could improve things for us, and ways that we feel like
15 we could improve as well.

16 Q Okay. And so was this an in-person conversation?

17 A It was.

18 Q Okay. And was the district manager present at
19 that?

20 A No.

21 Q Have you ever been disciplined while working at the
22 Vance Jackson store?

23 A Disciplined? Can you be specific?

24 Q Yes. Have you received anything called a
25 corrective action?

1 A Once. Yes, I have.

2 Q Okay. And what were the circumstances of that?

3 A A partner had sworn over the headset. There were
4 several individuals talking. This was after a customer
5 engaged in active homophobia in the drive through
6 window. I did not immediately jump on that person on
7 the floor and find out who it was so I could administer
8 my own coaching or corrective sets. So I was written up
9 because I didn't know who had said the swear word, and I
10 didn't take any action in regards to it.

11 Q Okay. And was that -- and who administered that?

12 A Our store manager.

13 Q Okay. And to your knowledge, was the district
14 manager involved with that?

15 A To my knowledge, no.

16 Q And did this corrective action -- was there a form
17 completed or was it just a conversation?

18 A There was a form completed. I have a copy of it in
19 my box.

20 Q Okay. And did the district manager sign that form?

21 A To my knowledge, no. Not the one in my box anyway.

22 Q Okay. Are you aware of other instances at the
23 Vance Jackson store in which employees were disciplined?

24 A Yes, actually.

25 Q Okay. And do you remember the circumstances of

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1 that?

2 A A shift key has been left in the back door
3 resulting in the door being pushed open slightly. So we
4 were told during a shift supervisor meeting that the
5 shift responsible for that was going to be receiving
6 corrective action and that going forward that keys being
7 left in the back door was going to be an automatic
8 corrective action.

9 Q Okay. And you said that you were told that in a
10 store meeting?

11 A In a shift supervisor meeting, yes.

12 Q Okay. And who told you that in that shift
13 supervisor meeting?

14 A Alana.

15 Q Okay. Did she say anything in that meeting when
16 she was describing what was occurring? Did she make
17 mention of the district manager being notified or
18 weighing in on that?

19 A She did not.

20 Q To your knowledge, does the store manager have the
21 authority to terminate an employee?

22 A Yes.

23 Q Okay. And how do you know that?

24 A An employee was terminated at our store last year
25 by our store manager.

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1 Q Okay. And was that the subject of some discussions
2 at the store?

3 A It was. My shift started shortly after that
4 employee was terminated, so it was fresh in everyone's
5 mind, and I was informed of it at the time.

6 Q Okay. And has Alana ever commented to you
7 regarding her authority or non-authority to make
8 termination decisions?

9 A Yes, comments have been made in passing.

10 Q Okay. By whom?

11 A By Alana.

12 Q To whom?

13 A To myself and the other shift supervisors that
14 happened to be around.

15 Q Okay. Now sometimes, you know, there can be
16 conflicts with employees while working. What's your
17 understanding of the process that exists or the
18 protocols that should be followed if there are conflicts
19 between employees?

20 A Ideally, those conflicts are able to be handled
21 between the two employees. If not, then the next step
22 is to get the store manager involved and hope that the
23 store manager will be able to resolve the issue. If she
24 cannot resolve it at the store manager level, then you
25 can continue to escalate to the district manager or you

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1 can file using the ethics line.

2 Q Okay. And was it in that -- was that in the
3 context of resolving a conflict that you dealt with Ms.
4 Martin personally?

5 A It was, yes.

6 Q Okay. And what were the circumstances under which
7 you dealt with Ms. Martin on a conflict situation?

8 A I had had a run in with our store manager in regard
9 to coaching for myself where I felt the coaching should
10 be directed at me and it wasn't. This ended up being a
11 misalignment and confusion about things were being run
12 at the store and the communication error, but due to
13 heightened emotions, the store manager and I were not
14 able to resolve the situation between the two of us, so
15 I did write an email to our district manager, Casey,
16 detailing my side of everything that went down and
17 asking if she would mediate a conversation between the
18 store manager and I so that we could have a third
19 perspective and resolve our issues.

20 Q Okay. And did she do that then?

21 A She did, yes.

22 Q Okay. And was the issue resolved at least in your
23 mind?

24 A I feel like it was, yes.

25 Q As a shift supervisor, do employees ever come to

1 you with complaints about other employees or, you know,
2 problems that they're having?

3 A Yes.

4 Q Okay. And what do you typically do in that
5 situation?

6 A If two employees come to me, I will try my best to
7 help them understand where the issue is arising from so
8 that they can resolve it themselves. But regardless of
9 whether the issues are solved in that moment or not, we
10 do notify the store manager. If it's not resolved at
11 the supervisor level, then our store manager will get
12 involved. I've seen her -- well, I have not seen her,
13 but I know that she has mediated conversations between
14 two partners who were having a conflict before.

15 Q Okay. I want to ask you about borrowing employees.
16 Are you familiar with that term?

17 A I am, yes.

18 Q Okay. And is it fair to say that at least to your
19 understanding in this context that that refers to a
20 situation where an employee from your store, for
21 example, goes to another store to work or where an
22 employee at another store comes to the Vance Jackson
23 store to work?

24 A Yes.

25 Q Okay. And have you ever volunteered to cover a

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1 shift at another store since, you know, since you've
2 been at Vance Jackson?

3 A I wouldn't say I have volunteered. I was more told
4 that a shift had been scheduled for my store was
5 actually going to be carried out at another store.

6 Q Okay. And so I assume, did you go and work that
7 shift at the other store?

8 A I did, yes.

9 Q Okay. And was it the same shift that you had been
10 scheduled for at the Vance Jackson store?

11 A It was slightly modified, but it was essentially
12 the same shift, yes.

13 Q Okay. And was it a store within the same district?

14 A At the time it was. Since then I understand our
15 district lines have been redrawn, and I don't actually
16 know if that store is still in our district.

17 Q Okay. But at the time it was?

18 A At the time it was.

19 Q Okay. And approximately how many times have you
20 been asked to cover a shift at another store?

21 A Two times.

22 Q Two times?

23 A Two times.

24 Q Okay. And is there a way for you to determine if
25 there are open shifts at another store that you might

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1 want to volunteer to cover, you know, because you wanted
2 to work the extra shifts?

3 A In my experience, the only way if you're wanting to
4 pick up extra hours, really the only way to go about
5 doing that is to either call other stores and ask them
6 if they would write down your name and phone number on
7 like a sticky note and put it next to the schedule, or
8 walk into other stores yourself to tell them, hey, I'm
9 looking for hours, so if any of your partners need
10 shifts covered, and partners being employees in this
11 case, I'm willing to take on those shifts and give me a
12 call. That's how we've usually done it.

13 Q Okay. And there's been some testimony here today
14 about a tool that's being rolled out which will show
15 employees open shifts at other stores. Have you heard
16 about that?

17 A Yes, it's been talked about in some of our weekly -
18 - in one or two of our weekly updates, I believe.

19 Q Okay. And do you know what tool that is? Do you
20 know the name of that tool?

21 A It will be something that is added on to the
22 Partner Hours app.

23 Q Okay. And has that been something that you've made
24 use of?

25 A I've never even seen it in the app. I'm not

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1 actually sure if it's rolled out yet.

2 Q Okay. What about the reverse situation where other
3 employees from, you know, from another store come into
4 work at the Vance Jackson store? Are you familiar with
5 that occurring?

6 A I can think of two times off the top of my head
7 that I'm aware of that occurring.

8 Q Okay.

9 MS. OWEN: Pass the witness.

10 *(Off the record.)*

11 HEARING OFFICER SYKES: Is there any cross
12 examination?

13 MR. RAHHAL: Yes. If we can take about a 5-minute
14 break.

15 HEARING OFFICER SYKES: Okay.

16 MR. RAHHAL: I'll get my notes together.

17 HEARING OFFICER SYKES: Yes, we can do that.

18 MR. RAHHAL: Thank you.

19 HEARING OFFICER SYKES: Okay. We'll be back in
20 five minutes. Off the record.

21 *(Off the record.)*

22 HEARING OFFICER SYKES: On the record. You can go
23 with your cross examination.

24 MR. RAHHAL: Okay.

25 CROSS EXAMINATION

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1 Q BY MR. RAHHAL: And C.J., is it okay for me to
2 refer to you as C.J.?

3 A Yes, that's fine.

4 Q Okay. I just want to make sure that we all
5 understand that we're talking about the same stores.
6 You're currently working at 410 and Vance, correct?

7 A 410 and Vance Jackson. That's correct.

8 Q And do you also refer to that as Store 23895?

9 A Yes. That was the store number.

10 Q Okay. And do you understand that that's part of
11 District 2087?

12 A I've heard the district number before, but I don't
13 have it memorized, but yes, I understand we're part of a
14 district.

15 Q Okay. Do you understand that you're also part of
16 an area?

17 A Yes, I do understand.

18 Q And do you know what area you are part of?

19 A I don't know. I know my manager has said it, but I
20 don't know.

21 Q Okay. Real quickly, I want to go through your
22 history at Starbucks. You said you started at San Diego
23 in August of 2015?

24 A Yes.

25 Q Okay. And how long were at the San Diego site?

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1 A I would have been there until roughly May of the
2 next year, May of 2016.

3 Q Okay. And then did you leave Starbucks and come
4 back to Starbucks, or did you go to another Starbucks
5 store?

6 A I directly transferred from my store in San Diego
7 to the San Marcos store here in Texas. I had about a
8 week break between them, between that transfer.

9 Q So you would have transferred somewhere in about
10 May of 2016?

11 A That's correct.

12 Q Okay. And you came from San Diego to Texas?

13 A Well, I went from Texas to San Diego, and then back
14 to Texas.

15 Q So when you transferred from San Diego to San
16 Marcos, did you have to go through a whole application
17 process or reorientation process? How did that work?

18 A I did have to do a reorientation process. I did
19 have to retake my Barista Basics. The orientation
20 process was because I had to once again provide
21 identification and all of that stuff as if I were being
22 hired at a new business, but I believe also because
23 there were changes like my rate of pay and such were
24 changed, so I still had to do an orientation with my
25 manager. I retrained with Barista Basics, and as far as

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1 the process for transferring went, I did fill out a
2 form. It wasn't like a formal application as if you
3 were applying for a job. And then that form went to my
4 store manager who had to then write like a
5 recommendation or a write like a performance review sort
6 of and approve my request. Then that was sent to the
7 district manager.

8 Q The district manager over the district in which the
9 San Marcos store was located?

10 A Both the district manager of the San Diego store
11 and the San Marcos store were involved so they could
12 push that. My transfer request was a little different
13 because I didn't particularly care which store within
14 that district I transferred to. I was just looking for
15 a store. Most people have a specific store they want to
16 transfer to, so it was sent to the district manager who
17 then sent it to all of the store managers, and the one
18 who wanted me picked me up.

19 Q Okay. And do you recall if the San Marcos store at
20 the time that you were requesting the transfer was in
21 the same district as the 410 Vance Jackson store?

22 A It was not, no.

23 Q Okay. And how long were you at the San Marcos
24 store?

25 A A little under a year.

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1 Q Okay. And from the San Marcos store you went to
2 New Braunfels. Is that correct?

3 A That is correct.

4 Q Okay. And do you know if the New Braunfels store
5 is in the same district as the 410 Vance Jackson store?

6 A I do not.

7 Q You do not know, or they are not?

8 A I do not know. I apologize.

9 Q Okay. And how did that transfer get approved, if
10 you know the process?

11 A Because it was within the same district, I do
12 believe that my application went through the district
13 manager, but that it was mostly a store manager to store
14 manager communication, and then the district manager
15 just approved that transfer.

16 Q So is it your understanding that the district
17 manager was involved in your transfer from San Diego to
18 San Marcos, correct?

19 A Correct.

20 Q And that the district manager was also involved in
21 your transfer from San Marcos to New Braunfels, correct?

22 A Correct.

23 Q Okay. And how long were you at New Braunfels?

24 A That was a little over a year. I distinctly
25 remember my store manager at that time celebrating my

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1 one-year anniversary with me at that store, and then
2 shortly after, I did have to quit.

3 Q Did you quit from Starbucks completely?

4 A I did, yes.

5 Q Okay. And I guess was your next job at Starbucks
6 at the 410 Vance Jackson store?

7 A My next job at Starbucks was at the 410 Vance
8 Jackson store.

9 Q Okay. And when did you start at that store?

10 A Early April.

11 Q Of 2021?

12 A Of 2021, yes.

13 Q Okay. And how did you go about applying at the New
14 Braunfels -- or the 410 Vance Jackson store?

15 A I went through the online application process
16 through Starbuck's website, and I selected that store as
17 the one that I wanted to be hired at. So I just filled
18 out the application.

19 Q Did you select any other stores in District 2087 to
20 apply for?

21 A I did not.

22 Q So you selected just the one store in that
23 district?

24 A I did, yes.

25 Q Okay. And is it correct that you don't know what,

1 if any, role the district manager had in the hiring of
2 you as a partner at the 410 Vance Jackson store?

3 A From my perspective, the district manager was not
4 involved, but I will openly admit that I do not know if
5 there was something that happened outside of what I saw.

6 Q Now real quickly, and I've probably got this all
7 wrong, but have you worked three different shifts while
8 at the 410 Vance Jackson store?

9 A When you say shifts, are you referring to what we
10 call day parts, correct?

11 Q Yes.

12 A I worked both the opening, mid, and closing shifts
13 in my time at this store.

14 Q And the opening would be from when to when?

15 A It is typically from 4:30 a.m. to 11:00 a.m.

16 Q And the mid?

17 A The mid is from 11:00 a.m., and it used to be until
18 4:30, but now it is until 5:00.

19 Q And the closing?

20 A From 4:00 to 10:00.

21 Q And how long did you work the opening? Do you know
22 what time period?

23 A I worked the -- I just got off the opening shifts
24 last week. Yes. My last opening shift was on Sunday.
25 I'm now on mid shifts. And I worked opens for I want to

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1 say a month and a half to two months.

2 Q And you're just now getting on this mid shift. Is
3 that correct?

4 A That's correct.

5 Q Had you worked the mid shift prior to this?

6 A I had worked the mid shift before, yes.

7 Q Now I think you testified that -- and counsel broke
8 it down to pre-January 22nd and post January 22nd. I
9 think your testimony was that prior to January 22nd that
10 you saw district manager, Casey Martin, about two to
11 three times. Is that correct?

12 A That is correct.

13 Q Okay. And I think it's correct that you don't know
14 if the district manager was in that store other times
15 when you weren't there.

16 A That is correct. I never saw her myself.

17 Q And I think you said post January 22nd that you said
18 you saw her incredibly frequently, but no one ever asked
19 you what you meant by incredibly frequently. How many
20 times have you seen her post January 22nd?

21 A Just to clarify, I believe the date was January
22 27th. That was the day that we published our letter. I
23 just wanted to make that clarification.

24 Q Thank you.

25 A Since that date, I have seen her in the store

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1 almost every day that I have been off when I go in in
2 the morning for my coffee. I would say there are maybe
3 three or four exceptions to that. Then I have seen her
4 going into the store after my shift has ended from the
5 parking lot. That one is more infrequent. I want to
6 say maybe about in a week's time total is about seven
7 separate days.

8 Q And I think you testified that when you were
9 applying for a job at 410 Vance Jackson that the store
10 manager, Alana, interviewed you, correct?

11 A Correct.

12 Q And it's correct that you have no knowledge what,
13 if any, involvement the district manager had in your
14 hiring at 410 Vance Jackson.

15 MS. OWEN: Objection. Asked and answered.

16 HEARING OFFICER SYKES: I don't know if it was
17 asked. It may have been, but I'm sorry, I honestly
18 can't remember, so I guess I'll allow -- I'll overrule
19 and allow the answer.

20 A BY THE WITNESS: Can you repeat the question,
21 please?

22 Q Isn't it correct that you have no knowledge what,
23 if any, involvement the district manager had in your
24 hiring at 410 Vance Jackson?

25 A That is correct.

1 Q Okay. And I think you testified that while you
2 were working at the Vance Jackson store that you got
3 promoted to shift supervisor. Is that correct?

4 A I was offered the position of shift supervisor
5 during my interview by the store manager.

6 Q Gotcha. And I think you testified that you've
7 never seen the district manager involved in the
8 orientation of new hires, correct?

9 A Correct.

10 Q But it's also correct that you don't know if the
11 district manager is involved in other people's
12 orientations. Is that correct?

13 A That is correct. Yes, that's correct.

14 Q And I think you also testified that you were
15 trained by your store manager, Alana. Correct?

16 A Correct.

17 Q It's also correct that you don't know if the
18 district manager has also trained other partners working
19 at your store or other stores in the district.

20 A That is incorrect. I've been involved in every
21 shift supervisor hiring, and by involvement I don't mean
22 I was part of training them or anything like that. I
23 simply mean our store manager would have conversations
24 with current shift teams to let us know, and she was
25 always the one training them. And the main reason I

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1 know that is because if she wasn't able to train a shift
2 supervisor on a specific day part, the other supervisors
3 would have to step up and start taking those day part
4 shifts until the new hires could get trained in those
5 day parts.

6 Q Okay. Thank you. Creating schedules. You don't
7 know what, if any, the district manager's involvement is
8 in creating store schedules.

9 A That's correct.

10 Q And I think you also testified some about tracking
11 of partner time. Do you recall that testimony?

12 A Yes.

13 Q And isn't it correct that you don't know what, if
14 any, involvement the DM has in tracking partner time?

15 A That would be correct.

16 Q And I think you also had some testimony about
17 requests for schedule changes; some being granted, and
18 some being denied. Do you recall that testimony?

19 A I do.

20 Q And isn't it correct that you don't know what, if
21 any, involvement the district manager has in granting or
22 denying schedule change requests?

23 A I would say that I do purely because my store
24 manager -- those get immediately confirmed or denied
25 with the store manager in that moment. The district

1 manager is never involved. I will concede that there
2 may be situations where the district manager is involved
3 that I'm not aware of, but all situations that I'm aware
4 of, my store manager makes the decision right then and
5 there.

6 Q Okay. And I think you also testified some about
7 sick leave and requests for sick leave being granted or
8 denied. Do you recall that testimony?

9 A Correct.

10 Q Okay. And again, isn't it correct that you don't
11 know what, if any, involvement the district manager has
12 in approving or denying those sick leave requests?

13 A Again, I would argue that based on my own
14 observations within the store and how those requests are
15 handled, that our store manager pretty much immediately
16 approves or denies them, and she has the Daily Records
17 Book with her when she's processing payroll to process
18 those hours. I will once will again concede there may
19 be situations where the district manager is involved
20 that I'm not aware of, but all situations that I have
21 observed have gone directly through our store manager.

22 Q And I think you had some testimony about
23 performance evaluations and partner development
24 conversations.

25 A Yes.

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1 Q Isn't it correct that you're not -- you don't know
2 what, if any, involvement the district manager has in
3 those partner evaluations.

4 A I know that I have been working shifts when three
5 different partner evaluations have taken place. One of
6 them was just five days ago, I believe. And of those
7 three that I have been working shifts for, it was just
8 between the store manager and the partner in question.
9 Does that mean that there have been some where the
10 district manager has been involved and I was not present
11 in the store? Sure. All of the ones that I have
12 observed and that I have participated in have only been
13 between the store manager and the partner who was
14 receiving the evaluation.

15 Q But isn't it true that you're not aware of what the
16 store manager may have had as far as conversations with
17 the district manager prior to having these partner
18 development conversations with individual partners?

19 A That is true.

20 Q And I think you testified some about discipline or
21 corrective action, including some that you've actually
22 received. Is that correct?

23 A That is correct.

24 Q Okay. And again, isn't it correct that you don't
25 know what, if any, involvement the district manager has

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1 in issuing those corrective actions?

2 A That is correct.

3 Q And I think there was some testimony about partner
4 terminations. Do you recall that testimony?

5 A I do, yes.

6 Q Okay. And isn't it correct that you don't know
7 what, if any, involvement the district manager has in
8 termination decisions?

9 A That is correct.

10 It's part of the feline.

11 Q I love it. I think that's the best part of the
12 whole pandemic is the fact that we get to see people in
13 their real-life home situations. I just wish I had my
14 doggie with me. And C.J., this is a good fun fact for
15 you to know. My dog was named the Starbucks Dog of the
16 Month.

17 A Really? Oh, that's so wonderful.

18 Q I know. Real quickly about borrowed partner
19 status. You've now worked at the 410 Vance Jackson
20 store since --

21 A Early April of 2021.

22 Q 2021. Okay. And there was some testimony about
23 you working at other stores within the district since
24 you've been employed at the Vance Jackson store. Do you
25 recall that?

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1 A Yes.

2 Q Okay. I want to get more specific about that. How
3 many times since working at the Vance Jackson store have
4 you worked at other stores within the district?

5 A Two times.

6 Q Two times.

7 A It was the same store both times.

8 Q Same store. But that store was also a store within
9 District 2087?

10 A At the time, yes.

11 Q Okay. And when you say two times, was it one
12 shift, multiple shifts, a week? How long?

13 A It was two separate shifts on two different days.

14 Q So one shift on one day and one shift on another
15 day, and that was it?

16 A That's correct.

17 Q Okay. And those are the only two times that you
18 recall working at another store while employed at the
19 410 Vance Jackson store?

20 A Yes, that is correct.

21 Q Are you aware of other partners employed or homed
22 at 410 Vance Jackson working at other stores within the
23 district?

24 A Yes.

25 Q Okay. While working at the 410 Vance Jackson

1 store, have partners from other stores within the
2 district worked at your home store?

3 A I can think of two instances off the top of my head
4 where that has happened, yes.

5 Q Okay. Do you remember when and where -- or when
6 those happened?

7 A Both of them were around the time that I was being
8 hired on. One of them was while I was training a
9 barista. I cannot tell you which store she came from.
10 And then the second time was while I was into my shift
11 supervisor training. We had to bring another shift
12 supervisor in from another store to perform our opening
13 shift.

14 Q Now I think there was some testimony that you said
15 a partner wanted to work at another store to work a
16 shift, and they could either call the other store or
17 walk into the other store. Do you recall that
18 testimony?

19 A I do, yes.

20 Q Have you ever called another store to pick up a
21 shift in that store?

22 A At the time that I've been at 410 and Vance
23 Jackson, no, I have not.

24 Q Okay. Have you ever walked into another store?

25 A I have not.

1 Q Okay.

2 MR. RAHHAL: I think I'm done for the moment.

3 HEARING OFFICER SYKES: Is there any redirect?

4 MS. OWEN: Yes.

5 REDIRECT EXAMINATION

6 Q BY MS. OWEN: C.J., the opposing counsel asked
7 questions about, you know, whether or not if the store
8 manager had had contact with the district manager about
9 one of the types of employee issues that we've been
10 dealing with or have been talking about and that you
11 wouldn't know that. Do you recall that line of
12 questioning?

13 A What was the particular instance you're referring
14 to? Is this about corrective action?

15 Q Well, he asked you about a number of things. He
16 asked you about hiring, he asked you about firing, he
17 asked you about corrective action, about scheduling
18 where he as asking you to confirm that you wouldn't
19 necessarily know if the district manager had had some
20 involvement in these decisions. Do you recall that?

21 A I do recall those, yes.

22 Q Okay. So just to clarify, who is the person that
23 you deal with on a day-to-day basis when it comes to
24 employment issues or employment events at the Vance
25 Jackson store?

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1 A It would be Alana.

2 Q I'm sorry?

3 A It would be Alana, our store manager.

4 Q Okay.

5 MS. OWEN: That's all I have.

6 HEARING OFFICER SYKES: Okay. Is there any
7 recross?

8 MR. RAHHAL: No.

9 HEARING OFFICER SYKES: Okay. I just had two or
10 three quick questions.

11 EXAMINATION BY COURT

12 HEARING OFFICER SYKES: So you mentioned that you
13 picked up two separate shifts. Do you happen to recall
14 the address of that Starbucks that you picked the shifts
15 up at?

16 THE WITNESS: The address, no. But I can tell you
17 it was the 410 and Babcock store.

18 HEARING OFFICER SYKES: And I guess at that
19 particular store, do you -- would you say that the
20 conditions were different than at the Vance Jackson
21 store, the 410 and Vance Jackson store?

22 THE WITNESS: When you refer to conditions, is
23 there anything in particular that you are thinking of?

24 HEARING OFFICER SYKES: Yes, I'm sorry. That's
25 very broad. As far as maybe management style, how

1 everything is set up, how it's run.

2 THE WITNESS: Where I would argue that there are
3 minor differences, then usually those differences were
4 due to the space that the store was built in. Every
5 store is built into a slightly different space. I felt
6 like this manager was more involved in store operation
7 as in she was actually like working on the floor doing
8 barista and shift tasks with us than I've been seeing my
9 store manager involved, but other than that, no. It
10 wasn't so incredibly different.

11 HEARING OFFICER SYKES: Okay. And you know, you've
12 worked these two shifts at that store, so what kind of
13 contact or communications did you have with the
14 employees there? And, you know, you don't need to tell
15 me anything especially if you discussed like the union
16 or anything. I'm just of asking in general what kind of
17 things were you guys -- and I guess the second part of
18 the question is have you like kept in contact with those
19 people or was it kind of like a one off?

20 THE WITNESS: I have not kept in contact with any
21 of those partners. I don't actually have any contact
22 information for them. I would need to go through the
23 store to get that information if I needed it. But it is
24 my prerogative whenever I have picked up shifts at other
25 store, and this is mostly referring to the time that I

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1 worked in San Diego when I first started working for
2 Starbucks, but I spent a lot of my time with the other
3 employees on the floor just asking them questions to get
4 to know them. Like how long have you been with
5 Starbucks, is this the only store you've worked at, et
6 cetera, et cetera.

7 HEARING OFFICER SYKES: Okay. In your experience
8 solely at 410 Vance Jackson, this has been very limited
9 because you've only done it two times?

10 THE WITNESS: Yes.

11 HEARING OFFICER SYKES: Okay. And then the other
12 question I had is the opposite scenario where employees
13 have I guess borrowed a shift and came over to 410 Vance
14 Jackson. What kind of contacts have you had with those
15 employees or communications?

16 THE WITNESS: None.

17 HEARING OFFICER SYKES: None?

18 THE WITNESS: None.

19 HEARING OFFICER SYKES: Okay. And at your store,
20 do the employees have any sort of communication chat
21 regarding like how to pick up shifts amongst themselves,
22 or is there like a store group chat about shifts?

23 THE WITNESS: You're talking about specifically at
24 the one store or at --

25 HEARING OFFICER SYKES: At 410 Vance Jackson.

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1 THE WITNESS: Yeah. We have all of our employee
2 phone numbers posted on the fridge in the back. Most of
3 I think have taken a photo of it, and we can pull phone
4 numbers out of that if we need to contact a partner and
5 ask a question about something.

6 HEARING OFFICER SYKES: Okay. I don't think I have
7 anything else.

8 MS. OWEN: Nothing further.

9 MR. RAHHAL: Nothing further.

10 HEARING OFFICER SYKES: Okay. Well, if there's
11 nothing further, C.J., you're excused. And thank you
12 for taking the time to do this.

13 THE WITNESS: Thank you for your time, and you're
14 welcome.

15 *(Witness excused.)*

16 HEARING OFFICER SYKES: Does the Petitioner have
17 any other witnesses that they're going to call I guess
18 maybe tomorrow?

19 MS. OWEN: Yes. We have a couple of witnesses.
20 They'll be -- they won't be long, you know. But we
21 still plan to call them in the morning.

22 HEARING OFFICER SYKES: Okay. All right. Well, is
23 there anything else? I guess this is probably a good
24 time to close for the day unless there's anything else.

25 MR. RAHHAL: There is. Paul, just for tomorrow, I

1 am going to have to take a hard stop for a break at
2 about 10:30 to 11:00.

3 MS. OWEN: You know, I think, you know, given the
4 kind of -- I would think there's a good chance we'll be
5 done by then. If we start at 9:00, I really would think
6 we would be done before that.

7 MR. RAHHAL: And I'm good with starting whenever
8 and going as fast as we can. I just want everyone to
9 know that at 10:30 to 11:00 if we're not completed, I
10 will have to take a quick break.

11 HEARING OFFICER SYKES: Okay. We'll note that. If
12 we start at 9:00. Can we go off the record?

13 (Off the record).

14 HEARING OFFICER SYKES: Okay, so we are going to
15 adjourn the hearing until 8:30 a.m. tomorrow morning,
16 Central, via Zoom.

17 Off the record.

18 ***[Whereupon, the hearing was adjourned at 4:52 p.m.,***
19 ***resuming on Thursday, March 3, 2022.]***

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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), in the matter of **Starbucks Corporation(Employer)** and **Workers United Southwest Regional Joint Board (Petitioner)**, **Case No. 16-RC-290302**, on Wednesday, the 2nd of March, 2022, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

Jennifer Molinaro

Jennifer Molinaro, Official Reporter

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OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Case No. 16-RC-290302

STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED SOUTHWEST REGIONAL JOINT BOARD,

Petitioner.

Place: Zoom

Date: March 3, 2022

Pages: 214 through 280

Volume: 2 of 2

OFFICIAL REPORTERS

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

In the Matter of:

STARBUCKS CORPORATION,

Employer,

Case No. 16-RC-290302

and

WORKERS UNITED SOUTHWEST
REGIONAL JOINT BOARD,

Petitioner.

The above-titled matter came on for hearing pursuant to Notice, before PAUL SYKES, Hearing Officer, held via Zoom, on Thursday, the 3rd day of March, 2022, commencing at 8:40 a.m., Central.

A P P E A R A N C E S1
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24**On Behalf of the Employer:**

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>COURT</u>
COURTNEY HUBER	218	226	230 233	233	232
GAZELLE GARCIA	235	259	267		

<u>E X H I B I T S</u>			
<u>EXHIBITS</u>		<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
Board			
5	5	274	275
Petitioner			
7	1	268	268
8	2	268	268
9	3	268	268
10	4	240	241
11	5	247	250
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P R O C E E D I N G S

[8:40 a.m., Central]

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HEARING OFFICER SYKES: If you will raise your right hand.

(Whereupon,

COURTNEY HUBER

having been sworn/affirmed, was called as a witness herein, and was examined and testified via video-conference, as follows:)

DIRECT EXAMINATION

Q BY MS. OWENS: Could you state your name for the record, please?

A You mean my legal or preferred name?

Q Let's go with the legal and then we'll go with the preferred.

A Okay. My legal name is Courtney Huber, and then my preferred name is Mouse as we've been using.

Q Okay. And I'll call you Mouse. Where do you work?

A At Starbucks at 410 and Vance Jackson.

Q Okay. And what's your job title?

A Barista.

Q Okay. And when did you start working at the Vance Jackson store?

A My official starting day was March 29th.

Q Of 2021?

1 A Yes.

2 Q Okay. And have you worked there as a barista the
3 entire time?

4 A Yes.

5 Q Okay. And I want to ask you some questions about
6 how you came to get that job at Starbucks. Could you
7 tell us about that?

8 A Yes. My sister worked there prior, too, and she
9 gave me a recommendation to Alana, so I when I applied,
10 Alana like had my name already like mentioned. Does
11 that make sense?

12 Q Sure. And so did you fill out an application?

13 A Yes.

14 Q And did you do that online?

15 A Yes.

16 Q And when you went to fill out your application,
17 could you select the store where you wanted to apply?

18 A Yes.

19 Q Okay. And did you select then the store on Vance
20 Jackson?

21 A Yes.

22 Q Okay. And did you apply for a barista position?

23 A Yes.

24 Q Okay. And who interviewed you?

25 A Alana.

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1 Q And was she the only manager present when you were
2 interviewed?

3 A Yes.

4 Q And was that in person at the store or was that via
5 Zoom?

6 A Via Zoom.

7 Q Okay. And did she offer you the position at the
8 time of the interview?

9 A Yes.

10 Q Did she say anything to you along the lines that
11 she needed to speak to the district manager before she
12 could offer you the job?

13 A No.

14 Q Did you have some sort of orientation when you
15 started working?

16 A Yes.

17 Q And what was that like?

18 A I had another partner there that got hired at the
19 same time, and it was us in the back where Alana talked
20 us through basically all the information we needed to
21 know.

22 Q Okay. And was the district manager present for
23 that orientation?

24 A No.

25 Q Okay. And then after the orientation, did you go

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1 through training?

2 A Yes.

3 Q And who did the training for you?

4 A I had two training partners. One isn't here
5 anymore, and the other is now one of our shift leads,
6 Ryan.

7 Q Okay. And did you -- was the district manager
8 involved in your training as far as you know?

9 A No.

10 Q Have you ever met the district manager?

11 A Once at a barista round table meeting, and I have
12 seen her in the café a couple of times besides that now.

13 Q Okay. And do you know approximately what timeframe
14 that barista round table took place in?

15 A I believe it happened sometime last month.

16 Q Okay. So in February, you believe?

17 A Yes.

18 Q Okay. And in terms of when you've seen the
19 district manager in the store, has that been after some
20 of the employees at Starbucks went public with their
21 decision to form a union?

22 A Yes.

23 Q Okay. So had you ever seen the store manager --
24 I'm sorry. Had you ever seen the district manager in
25 the store prior to the time that the petition for

1 election was filed?

2 A No.

3 Q Okay. Typically, what shift do you work, Mouse?

4 A The night shift.

5 Q And what are those hours?

6 A My regular hours would be like 4:30 to 10:00.

7 Q Okay. And who does the scheduling at the Vance
8 Jackson store?

9 A Alana.

10 Q Okay. I think your camera is gone. It's turned so
11 we're seeing -- there you go. You were kind of upside
12 down there.

13 Okay. And what about if you need a change to your
14 schedule for some reason? Who do you go to to make
15 those arrangements?

16 A Alana.

17 Q Do you go to her personally as opposed to using an
18 app, a Starbucks app, for scheduling?

19 A I go to her personally.

20 Q And why do you do it that way, go to her
21 personally?

22 A It's just easier for us because then she makes the
23 schedules. I can just be like, hey -- if it's something
24 where it's like I need not be scheduled a day, I can
25 just let her know prior to, and then she'll be aware of

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1 that when she is making the schedules versus with an app
2 sometimes you have to wait for a reply or a response.

3 Q Okay. Have you ever dealt with the district
4 manager regarding any sort of schedule change?

5 A No.

6 Q In terms of -- have you received training or
7 information regarding what to do if there's a conflict
8 with another employee at the store?

9 A Yes.

10 Q Okay. And what is your understanding of how you're
11 supposed to approach that?

12 A My understanding is that we have to talk about it
13 with the store manager first, and if it's a conflict
14 that can't be resolved, then we go to the district
15 manager and file a report.

16 Q Okay. And have you ever done that?

17 A No.

18 Q Okay. Are you aware of other -- conflicts that
19 other employees have had at your store while you've been
20 working there?

21 A I've been aware of it happening, but I haven't
22 gotten the information behind it.

23 Q Okay. Have you ever heard the term borrowing?

24 A Yes.

25 Q Okay. And do you -- what does that mean to you?

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1 A Basically, and I don't know if any partners have
2 been borrowed to our store, but basically a partner will
3 be asked to work a shift at another store for coverage.

4 Q Okay. And have you had a discussion with Alana
5 about whether or not you would be available to be
6 scheduled at other stores?

7 A Yes. In our interview she asked me if I would be
8 okay with being borrowed to other stores, and I said
9 yes.

10 Q Okay. And has that happened though?

11 A Only once when I first started, a couple of months
12 after I started, but since then I haven't been borrowed
13 to another store.

14 Q Okay. And when you went to work at the other
15 store, was that -- how did you learn of that request or
16 that opportunity to work at another store?

17 A Alana asked me if I was okay with going to another
18 store, and I said yes

19 Q Okay. And was that one shift or more than that?

20 A Just one.

21 Q Okay. And do you remember of the store was within
22 your district or outside the district?

23 A I believe it was in my district. I just don't
24 remember which store it was.

25 Q Okay. And did you -- have you maintained any kind

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1 of contact with the employees that you worked with on
2 that one shift at the other store?

3 A I did not.

4 Q Did you -- when Alana asked you if you would be
5 willing to go over to this other store and work that
6 shift did she give you a directive to do that, or was
7 that something she asked you if you would go?

8 A She asked me if I would go.

9 Q Did she specify that, you know, that you would get
10 in trouble or, you know, that you would have any kind of
11 punishment if you did not agree to go?

12 A Unless it was like previously scheduled, then no,
13 we're not punished for saying no.

14 Q Okay. So what do you think would have happened if
15 you had said no, I don't think I can do that?

16 MR. RAHHAL: Objection. Calls for speculation.

17 MS. OWENS: I think she can answer about her own --

18 HEARING OFFICER SYKES: Yeah, it probably is
19 speculation, but I mean -- you know.

20 MR. RAHHAL: I'm making my objections because I can
21 make my objections.

22 HEARING OFFICER SYKES: Yeah, yeah, I know. I mean
23 it's a non-adversarial hearing. You know, the decision
24 writer will give it the appropriate weight, so I will
25 allow her to answer. So you can go ahead and answer.

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1 A BY THE WITNESS: Could you repeat the question for
2 me, please?

3 Q Sure. What was your understanding about what would
4 have happened if you had said no for some reason?

5 A If I said no in that moment, Alana would just move
6 on and asked another partner if they could cover that
7 shift.

8 Q Since you've been working there, are you aware of
9 other employees from other stores coming to work at the
10 Vance Jackson store?

11 A No.

12 MS. OWENS: Pass the witness.

13 HEARING OFFICER SYKES: Okay. Do you have any
14 cross examination?

15 MR. RAHHAL: Just a few.

16 CROSS EXAMINATION

17 Q BY MR. RAHHAL: And do you prefer that I call you
18 Mouse?

19 A Yes, please.

20 Q Okay. And Mouse, my name is Steve Rahhal. We've
21 never met before, but I'm one of the attorneys for
22 Starbucks in this matter, so I just wanted to introduce
23 myself before I started asking questions.

24 So you started as a barista at the 410 & Vance
25 Jackson store in March of 2021, correct?

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1 A Yes.

2 Q Had you worked at Starbucks prior to that time?

3 A I did not.

4 Q Okay. So the entire time you've been employed by
5 Starbucks you've been homed -- your home store was the
6 410 Vance Jackson store. Is that correct?

7 A Yes.

8 Q Okay. And I think you said when you interviewed
9 for your position that Alana asked if you would be
10 willing to work at other stores within the district. Is
11 that correct?

12 A Yes.

13 Q You mentioned something about attending a round
14 table with the district manager. Do you recall that
15 testimony?

16 A Yes.

17 Q And who all was at -- was that round table virtual
18 or in person?

19 A It was virtual.

20 Q Okay. And who else would have been participating
21 in that round table?

22 A It's one barista from every district that the store
23 manager chooses, and then we all talk about -- we all
24 just talk about all of our stores with the district
25 manager.

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1 Q So then is it correct that this would be a call
2 that the district manager was on?

3 A Yes.

4 Q And then baristas from all the -- at least one
5 barista from all the different stores within District
6 2087 would also be on the call?

7 A Yes.

8 Q And what would you discuss on this call?

9 A We discussed just like things that we would like to
10 see improved in our stores.

11 Q Do you know if the round tables are regularly
12 scheduled calls?

13 A Yes. I do know that at least one has occurred
14 since I had attended.

15 Q There was a little bit of testimony about borrowed
16 partners which I believe you understand that if a
17 partner works at its home at one store but works at
18 another store that they would be considered a borrowed
19 partner, correct?

20 A Yes.

21 Q Okay. And I believe your testimony is that you've
22 worked at another store within the district on one
23 occasion. Is that correct?

24 A Yes.

25 Q Okay. And I believe Alana asked you if you would

1 work at that store. Is that correct?

2 A Yes.

3 Q Has Alana ever asked you to work at another store
4 within the district and you said no?

5 A No.

6 Q Have you ever seen partners from other stores work
7 at the 410 Vance Jackson store?

8 A I have not.

9 Q And your shift is from when?

10 A The night shift, so one of my most regular shifts
11 would be 4:30 to 10:00.

12 Q 4:30 to 10:00. And how many days a week do you
13 work?

14 A I would say six to five, normally. Yeah.

15 Q Five to six days a week?

16 A Yes.

17 Q Okay. And just real quickly, isn't it correct you
18 don't know what, if any, your district manager's
19 involvement is in recruiting partners who were in stores
20 in District 2087?

21 A Correct.

22 Q And isn't it correct that you don't know what, if
23 any, your district manager's involvement in hiring
24 partners in District 2087 is?

25 A Correct.

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1 Q And is it correct that you don't know what, if any,
2 involvement the district manager has in creating
3 schedules for the stores in District 2087?

4 A Correct.

5 Q And is it correct that you don't know what, if any,
6 the district manager's involvement is in disciplining
7 partners within District 2087?

8 A Correct.

9 Q And is it correct that you don't know what, if any,
10 the district manager's involvement is in staffing
11 decisions for the stores within District 2087?

12 A Correct.

13 Q And is it correct that you don't know what, if any,
14 the district manager's role or involvement is in store
15 openings or closures within the stores of District 2087?

16 A Correct.

17 MR. RAHHAL: I have no further questions.

18 MS. OWENS: I just had a couple of more.

19 HEARING OFFICER SYKES: Okay.

20 MS. OWENS: All right.

21 REDIRECT EXAMINATION

22 Q BY MS. OWENS: Mouse, you said that you
23 participated in this barista round table. I believe you
24 said that was in February.

25 A If my memory serves me correctly, yeah.

1 Q Okay. And is that the only barista round table
2 you've participated in?

3 A Yes.

4 Q Okay. And so -- and I think you mentioned that you
5 were aware of another one occurring after the one that
6 you attended. Is that right?

7 A Yes.

8 Q Okay. But you did not -- you're just aware of it.
9 You didn't -- you did not attend that round table,
10 correct?

11 A Correct.

12 Q Okay. And about how many baristas were on that
13 round table call that you did participate in?

14 A I believe there was about five other partners
15 besides me.

16 Q Okay. And was Alana on that call or only the
17 district manager?

18 A Only the district manager.

19 Q Okay. So you started work in March of 2021, and
20 you had the round table with Casey Martin in February
21 2022. Is it fair to say that you went almost a year
22 into your employment with Starbucks before you ever had
23 any interaction with Casey Martin?

24 A Yes.

25 MS. OWENS: No more questions.

1 HEARING OFFICER SYKES: Is there any further cross?

2 MR. RAHHAL: Not at this time.

3 HEARING OFFICER SYKES: I just have one question.

4 COURT EXAMINATION

5 HEARING OFFICER SYKES: So, Mouse, when you -- you
6 mentioned you worked on one occasion at another store
7 that wasn't your home store?

8 THE WITNESS: Yes.

9 HEARING OFFICER SYKES: When you worked at that
10 store, were there any differences as far as like how it
11 was set up or how they ran things at that store compared
12 to the 410 & Vance Jackson store?

13 THE WITNESS: Yes. Every store kind of runs
14 things slightly different. I know like one specific
15 change is that like pictures would be used for different
16 drink items and things like that because -- it depends
17 on which store finds it more efficient, if that makes
18 sense.

19 HEARING OFFICER SYKES: Uh-huh. Okay. So would it
20 be fair to say -- was there like a kind of adjustment
21 period when you worked at this other store to learn how
22 they do things there?

23 THE WITNESS: A little bit, but everything is
24 mostly the same.

25 HEARING OFFICER SYKES: Mostly the same. Okay.

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1 That was my only question. Does anybody else have
2 anything?

3 MS. OWENS: I do.

4 REDIRECT EXAMINATION

5 Q BY MS. OWENS: And so just to clarify, about how
6 many hours did you work at that store on that occasion?

7 A The shift I worked was 11:00 to 2:00.

8 Q Okay. So you just worked for three hours at that
9 store?

10 A Yeah.

11 Q Okay.

12 MS. OWENS: Pass the witness.

13 MR. RAHHAL: Just a couple of follow-up.

14 HEARING OFFICER SYKES: Okay.

15 RECROSS EXAMINATION

16 Q BY MR. RAHHAL: Mouse, regarding these round
17 tables, do you know when the district manager started
18 having round tables with the baristas from the different
19 stores in District 2087?

20 A No.

21 Q So it could have been well before the actual round
22 table you participated in, correct?

23 A Yes.

24 Q And do you know if the district manager also holds
25 a similar type of round table for shift supervisors

1 within the district?

2 A I do know that shift supervisors joined the
3 meetings. I mean like they have their own type of
4 meeting with Casey, yes.

5 Q So it's your understanding that the district
6 manager has these round tables with baristas from the
7 different stores within 2087, but that the district
8 manager also has meeting with different shift
9 supervisors from the stores in District 2087. Is that
10 correct?

11 A Yes.

12 Q And it's your testimony you're not aware of when
13 those round tables started to occur. Is that correct?

14 A Correct.

15 MR. RAHHAL: No further questions.

16 MS. OWENS: No more questions.

17 HEARING OFFICER SYKES: Okay. Well, I don't have
18 any further questions, so you know, Mouse, you're
19 excused, and thank you for taking the time to do this.

20 THE WITNESS: Yes, of course. Thank you.

21 MS. OWENS: Thank you, Mouse.

22 MR. RAHHAL: Thank you.

23 *(Witness excused.)*

24 HEARING OFFICER SYKES: All right. Do you need
25 some time to get your other witness?

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1 MS. OWENS: I think so. If I could just have a
2 second.

3 HEARING OFFICER SYKES: Okay.

4 MS. OWENS: Maybe take five minutes.

5 HEARING OFFICER SYKES: Yeah. Let's go off the
6 record.

7 *(Off the record.)*

8 HEARING OFFICER SYKES: Okay. I'm sorry. I just
9 need to swear you in.

10 (Whereupon,

11 **GAZELLE GARCIA**

12 having been sworn/affirmed, was called as a witness
13 herein, and was examined and testified via video-
14 conference, as follows:)

15 HEARING OFFICER SYKES: Thank you.

16 DIRECT EXAMINATION

17 Q BY MS. OWENS: Could you state your name for the
18 record, please?

19 A Gazelle Garcia.

20 Q Gazelle Garcia?

21 A Or Gaz Garcia.

22 Q Okay. You go by Gaz?

23 A Correct.

24 Q Okay. And where do you work?

25 A I work at the 410 & Vance Jackson Starbucks

1 location.

2 Q And when did you begin working there?

3 A I was hired at the end of May 2021.

4 Q Okay. And what's your title, your job title?

5 A Barista.

6 Q And have you been a barista the entire time?

7 A Yes.

8 Q Who is the store manager at your store?

9 A That would be Alana.

10 Q Okay. And Casey Martin, the district manager, has
11 testified at this hearing. Have you ever met Ms.
12 Martin?

13 A We've never been formally introduced.

14 Q Okay. And have you ever personally interacted with
15 Ms. Martin?

16 A No.

17 Q When you applied to work at Starbucks, how did --
18 can you tell us how -- the application process that you
19 went through?

20 A I used the Starbuck's website to look at openings
21 at what stores. I picked out that store and filled out
22 the form online and then was followed up with by Alana
23 to set up a date that I could do an in-person interview.
24 We had that one-on-one interview at the store outside.
25 Then she called me later to offer me the job officially.

1 Q Okay. And did you ever speak to the district
2 manager in conjunction with being hired?

3 A No.

4 Q And when you were interviewed by Alana, the store
5 manager, did she tell you that she needed to check with
6 the district manager or anyone else before she could
7 offer you the position?

8 A No.

9 Q Once you started working, did you have some sort of
10 orientation?

11 A I had what they call onboarding. So I came in for
12 the first day before actually training behind the bar
13 or, you know, in the café, just to take care of
14 paperwork at the store.

15 Q Okay. And did you interact with any management
16 person when you did that onboarding?

17 A Alana and a few of the supervisors at my store.

18 Q Okay.

19 A The shift leaders.

20 Q Okay. And what about the district manager? Did
21 you interact with her at all during the onboarding
22 process?

23 A I did not.

24 Q Okay. And then did you go through a training?

25 A Yes. So after that onboarding day, it was about a

1 week of training in my store in different positions.

2 Q Okay. And who trained you?

3 A I believe her name was Cassidy. She left the
4 company right afterwards, so we didn't get to know each
5 other very well.

6 Q Okay. And again, any kind of involvement by the
7 district manager in your training?

8 A No.

9 Q Okay. Have you -- well, let me ask you, what are
10 your hours at work at this store?

11 A So they've changed season to season or quarter to
12 quarter. But lately they've mostly been after 3 p.m.
13 Usually what we call the pre-close, so I don't stay
14 until the store closes, but I leave pretty close to that
15 time in the evenings.

16 Q Okay. And who does the scheduling for the Vance
17 Jackson store?

18 A Alana.

19 Q Okay. When you first started, did you have a
20 request not to be scheduled on a certain day of the
21 week?

22 A Yes.

23 Q Okay. And who did you speak to about that?

24 A Alana.

25 Q Okay. And did she accommodate that request?

1 A Yes.

2 Q Okay. And did she tell you that she needed to
3 speak with the district manager or anyone else before
4 she could, you know, make that accommodation for your
5 personal business?

6 A No.

7 Q And in terms of, you know, who you deal with on any
8 kind of scheduling matter, who is that?

9 A It would be Alana.

10 Q Okay.

11 MS. OWENS: Manuel, could I get you to put up an
12 exhibit, please?

13 Q BY MS. OWENS: While he's doing that, Gaz, when you
14 deal with Alana on scheduling issues, how do you
15 typically communicate with her?

16 A Usually in person at the store or texting her
17 during her business hours.

18 Q Okay.

19 MR. QUINTO-POZOS: Is this the one you want?

20 MS. OWENS: I can't see it. Yes.

21 Q BY MS. OWENS: Okay. And do you recognize the
22 document that we've put up on the screen? Can everybody
23 else see it? Do you recognize that, Gaz?

24 A I do.

25 Q Okay. And what is that?

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1 A That is the text that I sent to Alana following up
2 our last phone call before this text message. This was
3 when I was hired scheduling the onboard day.

4 Q Okay. And what's the date on that?

5 A That would be Sunday, May 30th, and that would have
6 been 2021.

7 Q Okay.

8 MS. OWENS: We'd offer Petitioner's Exhibit 4.

9 **(Petitioner's Exhibit No. 4 marked for identification.)**

10 MR. RAHHAL: We would just object on the basis of
11 authenticity. I have not seen this document before. I
12 haven't shown it to my witness to see if she recalls
13 this document, or I've not shown it to the actual person
14 who it alleges to be from, so our objection is just
15 based on authenticity.

16 MS. OWENS: I think -- if I could respond to that.

17 HEARING OFFICER SYKES: Yeah.

18 MS. OWENS: I mean this is a text message that he
19 has identified that is clearly from him to Alana. It's
20 an exchange that they had. He's identified the date,
21 and I think we've established that the document is
22 authentic.

23 MR. RAHHAL: I don't think it's clear who it's to.
24 It says Alana, but I have no idea it was actually to
25 Alana, and Hearing Officer, as you know, today, and I'm

1 not accusing anyone of creating stuff, but I've seen all
2 sorts of text messages that are allegedly being sent to
3 someone or being received by someone where in fact
4 that's not the case. So I'm going to continue my
5 objection of authenticity.

6 HEARING OFFICER SYKES: So the objection is
7 overruled. I think the witness has given enough
8 foundation to authenticate it. In the context of the
9 message, it seems more likely than not that this was to
10 the store manager, Alana, as he mentions, you know, the
11 dress code. You know, it's around the time he was hired
12 I believe. So I'm going to overrule the objection, and
13 Petitioner Exhibit 4 is entered into evidence.

14 **(Petitioner's Exhibit No. 4 received into evidence.)**

15 MS. OWENS: All right. Manuel, I think we're done
16 with that. Thank you.

17 Q BY MS. OWENS: So since you've been working there,
18 have there been occasions where you needed to have a
19 schedule change made for one reason or another?

20 A Yes.

21 Q Okay. And who have you talked to about that?

22 A Alana.

23 Q Okay. There's been some testimony about an app. I
24 believe it's called the Partner Hours app. Are you
25 familiar with?

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1 A Yes.

2 Q Okay. And have you been on that app before?

3 A Yes.

4 Q Okay. And when you go on that app, what are you
5 able to see?

6 A I can see my schedule usually for a week or two
7 out.

8 Q Okay. And are you able to see the schedules of
9 other people at your store?

10 A I can only access my schedule on the app.

11 Q Okay. And so can you -- let me just ask this
12 question for the record then. Can you see the schedule
13 of other employees who work at other store?

14 A No.

15 Q Can you see the shifts that may be open at your
16 store?

17 A If somebody offers it under the ability to swap a
18 shift, but we only go to that step after talking to
19 Alana.

20 Q Okay.

21 A We don't usually don't just go look for that shift
22 on the app.

23 Q Okay. And so if you -- who has told you that you
24 need to go to Alana before going on the app?

25 A Alana has told us directly that she prefers it.

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1 Q Okay.

2 A For us to speak to her first.

3 Q Okay. And do you know, is there a location or a
4 place where you can go to see the full schedule of
5 employees at your store?

6 A Yes. That would be in the back of house at the
7 store that's taped to the fridge.

8 Q Okay. Taped to the refrigerator at your store?

9 A Correct.

10 Q Okay. And is that -- is the schedule posted in
11 advance?

12 A Yes. Usually a few days at least.

13 Q And so there's been some testimony that employee
14 schedules are posted for three weeks in advance. Has
15 that been your experience working at Starbucks?

16 A No.

17 Q Okay. And how far in advance have you -- do you
18 typically receive your schedules?

19 A On average, a week or a week and a half.

20 Q Okay. Have any of the schedule changes that you've
21 made, have you received any information indicating that
22 the district manager was involved in reviewing that
23 schedule change request?

24 A No.

25 Q And do you -- and so correct me if I'm wrong, but

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1 what I'm getting from your answers to the other
2 questions is that if you have a schedule change, you go
3 to Alana first before, you know, in order to get a
4 determination on whether or not that schedule change
5 will be granted. Is that correct?

6 A Correct.

7 Q And is there -- have you ever done it through the
8 app?

9 A Not without talking to her first.

10 Q Okay. And if you talk to her first, then is it
11 done or are you expected to enter something into the
12 app, or is that just up to you?

13 A I think it's been both. Most recently to cover my
14 shift yesterday, I didn't do anything in the app. Alana
15 just changed it herself because she knew we were making
16 that switch.

17 Q Okay.

18 A Other times it has been through the app.

19 Q Okay. And when you do it through the app, do you
20 receive -- is it just you entering the information, or
21 is there -- through the app is there information that's
22 conveyed indicating whether or not a particular request
23 has been granted or denied?

24 A It's a three-step process where the two partners
25 who are switching shifts will confirm it on their end,

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1 and then it will tell you if it's been approved or
2 declined by Alana. Alana's name will be there.

3 Q Okay. And so has that been a situation then where
4 you have swapped shifts with another employee?

5 A Yes.

6 Q Okay. And then what about just if you have -- you
7 know, you need time off, you want to change your
8 schedule because, you know, you need to go out of town
9 or whatever, is that -- in your practice, has that just
10 been done through Alana or does that involve entering
11 that information into the app?

12 A I've done it both ways where I've entered it into
13 the app, and it will tell me in a day or two approved by
14 Alana, and then I'll know it's good. But I've also had
15 situations where I've gone in person and told her, and
16 she's given me an immediate yes.

17 Q Okay. But at any time has the district manager --
18 does it indicate on the app who it is that's approving
19 or denying your request?

20 A Yes. Every time it has stated Alana by name.

21 Q Okay. Now let me ask you a little bit more about
22 the swapping of shifts that you mentioned earlier. Is
23 it unusual at the Vance Jackson store for employees to
24 swap shifts?

25 A No.

1 Q Okay. And who approves the swapping of shifts?

2 Could you -- I may have asked you that before, but who
3 approves that?

4 A I've only had Alana approve or decline a swap
5 shift.

6 Q Okay. And is that a situation -- I think you
7 testified where your practice is that you ask -- well,
8 tell us how Alana has indicated to you that she wants it
9 done?

10 A So the way it's been recommended to me by Alana is
11 to contact partners ourselves to initiate that swap to
12 see if we both agree. Then once we've both discussed
13 it, we bring it to Alana. One of us brings it up, and
14 she'll give us a verbal approval.

15 Q Okay.

16 MS. OWENS: Can we put up the Petitioner's -- put
17 up the next exhibit, Manuel.

18 MR. QUINTO-POZOS: Okay. Can you see it?

19 MS. OWENS: Yes, we can see it.

20 Q BY MS. OWENS: So, Gaz, do you recognize this
21 document?

22 A Yes.

23 Q Okay. And what is it?

24 A This is a text that I sent to Alana when I was
25 trying to get some shifts covered when I was doing some

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1 doctor visits.

2 Q Okay. And is this a screen shot of a text message?

3 A Yes. This is from my phone.

4 Q Okay. And was this to and from Alana?

5 A Yes.

6 Q Okay. And just -- who was it -- what were the
7 circumstances under which you communicated with Alana
8 regarding this shift swap?

9 A So I believe this is actually when I was getting my
10 tooth pulled.

11 Q Okay.

12 A So this would have been back around October, and
13 because I was having to schedule it as an emergency
14 extraction, I was trying to get coverage myself before
15 just calling in.

16 Q Okay. And is Isaac that's mentioned in this text
17 message, is that an employee who works at the Vance
18 Jackson store?

19 A Yes.

20 Q Okay.

21 MS. OWENS: We would offer Petitioner's Exhibit 5,
22 please.

23 **(Petitioner's Exhibit No. 5 marked for identification.)**

24 MR. RAHHAL: Same objection.

25 HEARING OFFICER SYKES: The objection is overruled.

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1 I believe the witness has provided sufficient testimony
2 to authenticate that this is his text message. The only
3 question I have -- so, for the top part of the message
4 where it starts with Isaac said, is there anything above
5 that that's missing, or was that just kind of cut off?

6 THE WITNESS: With your permission, I could look
7 at my phone and confirm that for you, but I don't know
8 from memory. That's just where I scrolled to to get to
9 the relevant information. I think above it was probably
10 something unrelated. I think Alana was sick at that
11 time, too, so it might have been like, well, I hope your
12 shift went well and you're feeling better or something
13 not relevant.

14 HEARING OFFICER SYKES: The question I had is like
15 the bubble. Do you believe there's any text that was
16 above where it says Isaac said?

17 THE WITNESS: I believe so.

18 HEARING OFFICER SYKES: You believe so. Okay.

19 MS. OWENS: Do you want to take a break and allow
20 him to clarify that?

21 HEARING OFFICER SYKES: Yeah. I guess we could go
22 off the record just because it's kind of a split message
23 I think it might be good to put it in there. If not,
24 then I guess we'll live with it, but yeah, let's go off
25 the record real quick.

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1 (Off the record.)

2 HEARING OFFICER SYKES: Back on the record.

3 MS. OWENS: Thanks, everybody. Due to a concern
4 about the text message, Gaz, we've gotten -- we've
5 retrieved a more completed text message exchange between
6 you and Alana.

7 Manuel, could you put that one on the screen.

8 MR. QUINTO-POZOS: Can you see it?

9 MS. OWENS: Yes.

10 Q BY MS. OWENS: Okay. And so, Gaz, is this a more
11 complete version of the text message that we were
12 talking about before the break?

13 A Yes.

14 Q Okay. And when you say the place I schedule with
15 can't take me today, what were you referring to?

16 A Trying to get an appointment for that extraction
17 for my tooth.

18 Q Okay. And this is good, too, because it also shows
19 the date, doesn't it?

20 A Yes. Tuesday, October 12th.

21 Q Okay.

22 MS. OWENS: So, Mr. Sykes, at this time, we'll
23 withdraw what we previously offered as Petitioner's
24 Exhibit 5 and substitute the exhibit that's up on the
25 screen.

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1 HEARING OFFICER SYKES: Okay. So this will be
2 Petitioner's Exhibit 5?

3 MS. OWENS: Yes.

4 HEARING OFFICER SYKES: Okay. Is there any
5 objection to entering No. 5?

6 MR. RAHHAL: Same objection.

7 HEARING OFFICER SYKES: Okay. And I'll overrule
8 the objection for the reasoning I've already stated. So
9 Petitioner's Exhibit 5 is entered into evidence.
10 **(Petitioner's Replacement Exhibit No. 5 received into**
11 **evidence.)**

12 MS. OWENS: Okay. I think we're done with that
13 exhibit then. Thanks, Manuel.

14 Q BY MS. OWENS: So when you've swapped shifts with
15 other employees, has that been with employees who work
16 at the same Vance Jackson store?

17 A Yes.

18 Q Have you ever swapped shifts with anybody -- an
19 employee who works at a different store?

20 A No.

21 Q Do you know if that's permitted?

22 A I believe that they can get approval to do that,
23 yes.

24 Q Okay. And if you wanted to do that, who would you
25 go to for that approval?

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1 A I've been told to go to Alana.

2 Q Okay. Do you have contact information for other
3 employees who work at different stores?

4 A No.

5 Q Okay. Has that been provided by Starbucks?

6 A No.

7 Q Okay. There was testimony about a tool called
8 Shift Market Place. Are you familiar with that?

9 A I have not used that app.

10 Q Okay. What is your understanding of what you
11 should do if you have a conflict with a coworker?

12 A If we cannot resolve it between the two parties
13 involved, Alana has said to bring that to her.

14 Q Okay. And have you had an occasion arise where you
15 felt like there was an issue or a conflict with a
16 coworker?

17 A Yes.

18 Q Okay. And can you just describe the circumstances
19 for that?

20 A There were personal notes that were left in the
21 back of house addressed to each partner, and I felt like
22 it was inappropriate, the content of those messages. So
23 Alana and I had planned to sit down and talk. We spoke
24 together in the back of house, just one on one, about
25 those.

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1 Q Okay. And what was the letter that you found
2 inappropriate?

3 A It was an invitation to a religious function for
4 family members and partners, but it had very accusatory
5 language in it that was very unsettling.

6 Q Okay. And so is it fair to say it was religious in
7 nature?

8 A Yes.

9 Q Okay. And so you took that to Alana?

10 A Yes.

11 Q Okay. And you said you spoke to her at the store
12 about it?

13 A Yes. When I came in for my next shift, she asked
14 me to sit down with her and discuss mostly how it made
15 us feel.

16 Q Okay. And was that something where the person who
17 provided the note was -- was that person in on that
18 discussion, or was it just you and Alana?

19 A It was just me and Alana.

20 Q Okay. And to your knowledge, was the district
21 manager involved with that?

22 A No. I asked Alana that if there was something that
23 she could get -- if she could get more information about
24 how to, you know, handle those types of situations and
25 if she would follow up with me, and I did not receive a

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1 follow up. So to my knowledge, it ended with her
2 confronting the partner privately.

3 Q Okay. Now in the context of your work at
4 Starbucks, have you heard the term borrowing?

5 A Yes.

6 Q Okay. And is it your understanding that that would
7 refer to you going to work at a different store or an
8 employee from another Starbucks store coming to work at
9 the Vance Jackson store?

10 A Yes.

11 Q Okay. And have you ever been borrowed? That is,
12 gone to work at a different store?

13 A No.

14 Q Okay. For the entire time that you've worked
15 there?

16 A Correct.

17 Q Okay. And have you ever been asked to go to cover
18 a shift at a different store?

19 A No.

20 Q To your knowledge, have any of the employees, your
21 coworkers at the Vance Jackson store, gone and worked at
22 other stores?

23 A I know several partners who have been scheduled at
24 other stores to fill in when the store was limited for
25 available partners to work.

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1 Q Okay. And who was that?

2 A From what I can remember, C.J. Craig, a shift
3 leader named Ginger, and another shift leader named
4 Angel.

5 Q Okay. And do you know which store -- well, let me
6 ask you this. Regarding Ginger, do you know if she
7 worked at a store that was within the district or
8 outside the district?

9 A From my understanding, the store she worked at was
10 what we refer to as the Blanco & Lockhill Selma
11 location, which to my knowledge, is outside of our
12 district.

13 Q Okay. And what about other employees, other
14 Starbucks employees assigned to work at different stores
15 coming over to work at the Vance Jackson store? Are you
16 familiar with anyone doing that?

17 A There were two partners that I interacted with who
18 were borrowed from other stores just for a few days.

19 Q Okay. And so just those two times?

20 A Correct. That I remember and interacted with.

21 Q Okay. How would you describe the pace of work at
22 your store?

23 A Very consistent with usually high volume.

24 Q Okay. And do you have -- at the Vance Jackson
25 store, do you have regular customers?

- 1 A Many regular customers.
- 2 Q Okay. And they come from the neighborhood?
- 3 A Correct.
- 4 MR. RAHHAL: Objection. Speculation.
- 5 HEARING OFFICER SYKES: I'll overrule it. You
- 6 know, you can go ahead.
- 7 MS. OWENS: Okay.
- 8 Q BY MS. OWENS: Do you interact with those regular
- 9 customers?
- 10 A Every day.
- 11 Q Okay. And do they -- in your experience, do those
- 12 regular customers expect the baristas to know what they
- 13 want?
- 14 MR. RAHHAL: Objection. Speculation.
- 15 HEARING OFFICER SYKES: Yeah. I guess if you could
- 16 maybe -- another foundation question on how he would
- 17 know.
- 18 MS. OWENS: Yeah. Sure.
- 19 Q BY MS. OWENS: And so with these regular customers,
- 20 do you -- have you learned through the months that
- 21 you've spent at the Starbucks store what their order is?
- 22 A Absolutely.
- 23 Q Okay. And do you speak to them when they come in?
- 24 A Yes.
- 25 Q Okay. And do they always order the same thing?

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1 A Most of them, yes.

2 Q Okay.

3 A If they switch up their order, we notice and
4 usually say something.

5 Q Okay. And so do you believe that when they come in
6 that they -- unless they're ordering something
7 different, do they even have to say what their order is?

8 A Half of the time that's correct. We usually will
9 just say, you know, hey, Steve, is it the Venti Mocha
10 Frappe with no whip today, and every day he says yes.

11 Q Okay. And do you believe that based on your
12 experiences with them and your conversations with them
13 that they expect the baristas who work at the store to
14 know what their regular orders are?

15 A Yes.

16 MR. RAHHAL: Speculation.

17 HEARING OFFICER SYKES: Yeah, I mean I guess it is
18 kind of speculation, but --

19 MR. RAHHAL: I mean we're reading the minds of
20 customers.

21 MS. OWENS: I think he can testify -- I mean I
22 think that he can testify about what -- you know, based
23 on his interactions with them what he believes that they
24 expect.

25 HEARING OFFICER SYKES: Yeah. I mean it is

1 speculation, but I mean this a non-adversarial hearing.
2 You know, the reader of the record will give it the
3 appropriate weight. So I guess he can answer the
4 question.

5 Q BY MS. OWENS: So go ahead and answer, Gaz.

6 A I will say that the customer is usually taken aback
7 when they recognize a name of a partner taking their
8 order that they usually don't interact with, and it's
9 uncommon that they usually have to tell us their drinks;
10 those customers that come regularly.

11 Q Okay.

12 A They know that we know.

13 Q All right. And if someone has been borrowed from
14 another store and is working at Vance Jackson, do you
15 know -- would they know what the regular customers want?

16 MR. RAHHAL: Objection. Speculation. Partners are
17 going to other stores and those -- if they don't
18 recognize them -- I mean there's no foundation. I'm not
19 sure why it's relevant to this hearing.

20 HEARING OFFICER SYKES: I assume the relevancy
21 you're getting at is difference in working conditions
22 between stores. Is that --

23 MS. OWENS: That's right. And it's just kind of
24 stating the obvious that if somebody hasn't worked at
25 that store, they're not going to be interacting with the

1 regulars who do come to that store, and they wouldn't
2 know what they want.

3 HEARING OFFICER SYKES: Yeah. I guess if you ask
4 maybe a specific question about the borrowed employees
5 that he has worked with or was aware of and maybe their
6 experiences with regulars, then we could allow that.

7 MS. OWENS: All right.

8 Q BY MS. OWENS: And so, Gaz, you testified that you
9 recall two interactions or encounters with employees how
10 had been borrowed from other Starbucks stores. Do you
11 remember that?

12 A Yes.

13 Q Okay. And so was -- and you worked with them?

14 A One of them, yes.

15 Q Okay. And on the person that you worked with, did
16 they know the coffee orders of the regulars who came
17 into that store during the time that you worked with
18 them?

19 A They did not.

20 MS. OWENS: Pass the witness.

21 MR. RAHHAL: May I ask Martha and Manuel how many
22 more witnesses do you expect to have?

23 MS. OWENS: This is our last witness.

24 MR. RAHHAL: Okay. Because again, Paul, I said I
25 have to get off at 10:30 for a filing with the NLRB. So

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1 I think I can get this witness --

2 HEARING OFFICER SYKES: Yeah. I had -- can we go
3 off the record?

4 *(Off the record.)*

5 HEARING OFFICER SYKES: Go ahead.

6 CROSS EXAMINATION

7 Q BY MR. RAHHAL: And is it Gaz? I want to make sure
8 I'm pronouncing your name correctly.

9 A Correct.

10 Q Okay. Gaz, I'm Steve Rahhal. I'm one of the
11 attorneys for Starbucks. And I just wanted to introduce
12 myself before we got started.

13 And so I understand you started with Starbucks in
14 May of 2021. Is that correct?

15 A Correct.

16 Q Had you worked at Starbucks prior to working at the
17 Vance Jackson store?

18 A No.

19 Q Okay. So that's the only store that you've
20 actually been -- I guess the word is that that is your
21 home store? That's the only home store you've had with
22 Starbucks?

23 A Correct.

24 Q Okay. And I believe you testified that you applied
25 online. Is that correct?

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1 A Yes.

2 Q Did you apply for a group of stores, or did you
3 apply to work at one store?

4 A Because I had friends at that store, I did apply
5 directly to the 410 Vance Jackson store.

6 Q Okay. Did you also apply at other stores?

7 A I did not.

8 Q Okay. And you said that you interviewed with Alana
9 and then later you got an offer of employment. Is that
10 correct?

11 A Correct.

12 Q Okay. And is it correct that you don't know what,
13 if any, involvement the district manager had in making
14 you the offer of employment?

15 A I do not know that, correct.

16 Q And I think you said that your hours that you had
17 been working at that store were 3:00 -- the pre-close
18 shift. Is that correct?

19 A Correct.

20 Q Okay. And I believe you testified a little bit
21 about scheduling. Is it correct that you don't know
22 what, if any, involvement the DM has in creating the
23 schedules for the Vance Jackson store?

24 A Correct.

25 Q I've heard some testimony from other witnesses

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1 about round tables. Are you aware of these round tables
2 that the district manager has with baristas within your
3 district?

4 A I've only heard of it in passing because it
5 happened recently, so only from other partners who were
6 included.

7 Q Okay.

8 A I don't know much about it myself.

9 Q So are you aware of multiple partners at the Vance
10 Jackson store participating in these round tables?

11 MS. OWENS: Objection. No foundation.

12 MR. RAHHAL: I'm asking if he's aware.

13 HEARING OFFICER SYKES: I'll --

14 MR. RAHHAL: If he can read the minds of customers,
15 he can surely tell me if he knows what his knowledge is
16 about other partners working or going to round tables.

17 MS. OWENS: Objection to the argumentative nature,
18 and let's get going.

19 HEARING OFFICER SYKES: Okay. I'll overrule it.
20 You can answer the question.

21 Q BY MR. RAHHAL: Gaz, do you have any knowledge of
22 other partners at the Vance Jackson store participating
23 in these round tables?

24 A Yes.

25 Q Okay. And how many partners are you aware of at

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1 the Vance Jackson store participating in these round
2 tables?

3 A I only know of the one that took place very
4 recently, and I believe I know three partners who were
5 involved from our store.

6 Q Okay. So it's your understanding that -- it's your
7 testimony that you're aware of three partners at the
8 Vance Jackson store that have participated in these DM
9 round tables. Is that correct?

10 MS. OWENS: Objection. Misstates the testimony of
11 the witness.

12 Q BY MR. RAHHAL: Is that correct, Gaz?

13 MS. OWENS: Can I have a ruling on my objection?

14 HEARING OFFICER SYKES: Yeah. Can we hold off?
15 Can you state the objection again? You said misstates
16 testimony?

17 MR. RAHHAL: I'll just re-ask the question.

18 HEARING OFFICER SYKES: Okay.

19 Q BY MR. RAHHAL: So, Gaz, how many partners at the
20 Vance Jackson store are you aware of having participated
21 in a round table?

22 A Three.

23 Q Okay. Do you know the names of those partners?

24 A Sam [Shem], Shelina, and Seth.

25 Q You also talked about requests for schedule

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1 changes. Do you recall that testimony?

2 A Yes.

3 Q And is it correct that you're not aware of the DM's
4 involvement in granting or declining requests for
5 changes in schedules?

6 A Correct. That's never been mentioned to me.

7 Q So you're not aware if the DM is involved or not,
8 correct?

9 A Correct.

10 Q And I think you also talked about requesting days
11 off. You're know aware of what involvement the DM has
12 in approving or denying requests for days off. Is that
13 correct?

14 A Correct.

15 Q And you talked a little bit about borrowed
16 partners. Is it your testimony that you've never worked
17 at another store within the district?

18 A Correct.

19 Q Are you aware of any other partners at the Vance
20 Jackson store working at other stores in the district?

21 A I believe that I've heard of it happening a few
22 times, yes.

23 Q Do you have any personal knowledge of partners
24 assigned to Vance Jackson working at other stores in the
25 district?

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1 A The only one that I know of for sure was outside
2 the district. That was for Ginger at the Blanco &
3 Lockhill Selma location. I don't for sure where the
4 other baristas were working.

5 Q Okay. Now are you aware of partners at the Vance
6 Jackson store working at other stores regardless of what
7 district it's in?

8 A Correct.

9 Q Okay. What other partners at the Vance -- what
10 other Vance Jackson partners are you aware of working at
11 other stores?

12 A So the ones I know of for sure that have happened
13 while I've been there were C.J., Ginger, and Angel.

14 Q So it's your testimony that you just don't know
15 what store that they were working at, correct?

16 A Correct.

17 Q Okay. Now have you ever observed partners from
18 other stores working at the Vance Jackson location?

19 A Yes.

20 Q What's that?

21 A That I can recall, yes.

22 Q And do you know for what period of time each of
23 those partners worked at the Vance Jackson store?

24 A It was just a few days within one week.

25 Q So each one of those partners worked a few days at

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1 the Vance Jackson store. Is that correct?

2 A At least one of them worked more than one day.

3 Q Okay.

4 A But I don't recall the details of how many days and
5 who.

6 Q And I think we had some testimony about partner
7 conflicts. Do you recall that testimony?

8 A Yes.

9 Q And I believe you testified that if you had an
10 issue with another partner that you would need to go to
11 your store manager. Is that correct?

12 A Correct.

13 Q And if it wasn't resolved with the partner or the
14 store manager, what's your understanding of what the
15 next step would be?

16 A I'm not sure, but a different form of action for
17 that.

18 Q You talked a little bit about a religious posting
19 that was in the back of the house. Do you recall that?

20 A Yes. They were personal letters.

21 Q Okay. And what happened to all of those personal
22 letters?

23 A Those who wanted to take theirs home I believe took
24 them, and I think other people either elected not to
25 take them home or it just went in the trash.

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1 Q Were these letters posted to a wall?

2 A No.

3 Q Where were the letters at?

4 A They were in envelopes in a bag in the back of the
5 house.

6 Q And there was just a bag sitting there with all of
7 these envelopes in it?

8 A Correct.

9 Q And did the bag have any kind of indication of what
10 the bag's purpose was or what was in the bag?

11 A Yes.

12 Q And what was that?

13 A Written on the bag was something to the effect of
14 "For each partner, take your letter," indicating those
15 letters were addressed to us by name for us to take on
16 our own.

17 Q Okay. Do you recall how long the bag remained in
18 the back of the house?

19 A Two to three days.

20 Q Okay. Do you recall who removed that bag?

21 A No, I don't know that it was removed or not.

22 Q Okay. Do you know if the district manager was
23 involved in the incident regarding that bag and the
24 letters contained in the bag?

25 A Not that I was made aware of.

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1 Q Okay.

2 MR. RAHHAL: I have no further questions.

3 HEARING OFFICER SYKES: Okay. Is there any
4 additional -- is there any redirect?

5 MS. OWENS: Sure.

6 REDIRECT EXAMINATION

7 Q BY MS. OWENS: I just want to clarify, Gaz, on the
8 round table that you mentioned that you said that you
9 were aware of three baristas participating in. Do you
10 recall that testimony?

11 A Yes.

12 Q Okay. And so was that -- did those -- was there
13 just one round table that the three people participated
14 in?

15 A Correct.

16 Q Okay.

17 A It was the most recent round table that took place.

18 Q Okay. And was that a round table that took place
19 after the petition for election was filed?

20 A Yes.

21 MS. OWENS: Pass the witness.

22 HEARING OFFICER SYKES: Is there any further cross
23 examination?

24 MR. RAHHAL: No.

25 HEARING OFFICER SYKES: Okay. Well, I have no

1 questions, so Gaz, you are excused. Thank you very
2 much.

3 THE WITNESS: Thank you all for your time.

4 MS. OWENS: Thanks, Gaz.

5 MR. RAHHAL: Thank you.

6 *(Witness excused.)*

7 HEARING OFFICER SYKES: Okay. So I guess now would
8 be a good time -- I think we can get this done in 20
9 minutes, but there are some things that I have to get
10 into the record, and I have an exhibit I have to enter.

11 Did the Petitioner want to offer 1 through 3 right
12 now?

13 MR. QUINTO-POZOS: Yeah. We'd like to move
14 Exhibits 1 through 3 into evidence. So 1 and 2 are
15 described in the stipulations as excerpts taken from the
16 aggregate data that the Employer provided. And I can
17 say more about them if necessary. And then Petitioner's
18 Exhibit 3 is the list of store information for stores in
19 the district for January of 2019 through 2022.

20 **(Petitioner's Exhibit Nos. 1 through 3 marked for**
21 **identification.)**

22 HEARING OFFICER SYKES: Okay. Any objection to
23 admitting Petitioner's 1 through 3?

24 MR. RAHHAL: No.

25 HEARING OFFICER SYKES: Okay. Hearing no

1 objection, Petitioner's 1 through 3 is entered into
2 evidence.

3 **(Petitioner's Exhibit Nos. 1 through 3 received into**
4 **evidence.)**

5 We'll just make sure that we get these to the court
6 reporter and to all the parties as soon as we can.

7 MS. OWENS: And Mr. Sykes, Petitioner's Exhibits 4
8 through 5 have already been admitted, and we'll provide
9 copies of those.

10 HEARING OFFICER SYKES: Okay. Thank you. So at
11 this point, can we just briefly go over the final
12 positions? If I can just give each party a very quick,
13 you know, a minute just to say your final position on
14 the unit that you believe is appropriate. I'll start
15 with the Petitioner.

16 MR. QUINTO-POZOS: Yeah, just very quickly, Mr.
17 Hearing Officer.

18 The Union's position is that considering the record
19 in the other cases, as well as the presumption that the
20 single store unit is appropriate, as well as the
21 evidence has been heard in this hearing, the position of
22 the Union is that the single store unit is an
23 appropriate unit for an election to be held in this
24 case.

25 HEARING OFFICER SYKES: Okay. And then the other

1 question I had is your understanding -- and I know this
2 is addressed in Board's Exhibit 2, but your
3 understanding is the unit that you're seeking includes
4 about 27 employees at the 410 and Vance Jackson store?

5 MR. QUINTO-POZOS: Yes, that is correct.

6 HEARING OFFICER SYKES: Okay. And for the
7 Employer, what is your final position on the appropriate
8 unit?

9 MR. RAHHAL: I think the appropriate unit can only
10 be the district. I mean imagine going to a Starbucks
11 where you've got some employees working under this set
12 of conditions and hours and then another group of
13 employees working under another. Not only is the morale
14 going to be destroyed, and the administration is not
15 going to work. It just doesn't make sense in modern
16 times and the way Starbucks operates and the way the
17 evidence shows that you could separate one store outside
18 of a district. It just doesn't work, and I don't think
19 it's an appropriate unit, and I think the only
20 appropriate unit here is one that includes all the
21 stores that are under the auspices of this district
22 manager, Casey Martin. To hold any otherwise just makes
23 no sense for the stores or for the baristas and the
24 shift supervisors who work amongst the stores and who
25 work amongst each other.

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1 HEARING OFFICER SYKES: Okay. And now is your
2 position that the unit the Employer believes is
3 appropriate includes around 277 employees?

4 MR. RAHHAL: I believe that's correct, yes. It's
5 13 facilities.

6 HEARING OFFICER SYKES: Okay.

7 MR. RAHHAL: And I believe that those numbers are
8 in our stipulation. The number of employees at the
9 store is Stipulation No. 11, and the number of employees
10 in the district is Stipulation 12.

11 HEARING OFFICER SYKES: Okay. Do either parties
12 have any further witnesses or evidence they wish to
13 present?

14 MR. QUINTO-POZOS: No, for the Petitioner.

15 MR. RAHHAL: And no for the Employer.

16 HEARING OFFICER SYKES: Okay. Are the parties
17 aware of any outstanding motions that haven't been ruled
18 on by myself?

19 MR. QUINTO-POZOS: No.

20 MR. RAHHAL: No.

21 HEARING OFFICER SYKES: Okay. Jen, do you have an
22 estimated length of how long the transcript is going to
23 be?

24 COURT REPORTER: 275.

25 HEARING OFFICER SYKES: 275. Okay. I know this is

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1 addressed in Board's Exhibit 2, but I just want to
2 reaffirm. Is the Petitioner prepared to proceed to an
3 election in any unit found appropriate in this matter?

4 MR. QUINTO-POZOS: Yes.

5 HEARING OFFICER SYKES: Okay. In Board's Exhibit 2
6 we have a stipulation that the parties have agreed to a
7 mail ballot election. Can I just get the Petitioner's
8 preference, I guess, on the timing of that, and you
9 know, how long the voters should have to return their
10 ballots?

11 MR. QUINTO-POZOS: I think that the other decisions
12 and directions of election have been pretty standard in
13 terms of an election as soon as possible. I think it's
14 within a three- to four-week period, that the ballots
15 are to be returned within a three- to four-week period
16 after the decision. Is that sufficiently responsive?

17 HEARING OFFICER SYKES: Yes. Does the Employer
18 have any specific position on this?

19 MR. RAHHAL: I think that's right. I think they go
20 out about three to four weeks after the decision, and I
21 think the return date has been five to seven days, but
22 don't hold me to that.

23 HEARING OFFICER SYKES: Okay. And I think it's
24 addressed in Board's Exhibit 2, but none of the parties
25 is aware of a need for the notices or ballots to be

1 translated. Is that correct?

2 MR. QUINTO-POZOS: Correct.

3 MR. RAHHAL: That's correct.

4 HEARING OFFICER SYKES: Okay. We'll just go off
5 the record. There's one filing I need to get from the
6 Petitioner.

7 *(Off the record.)*

8 HEARING OFFICER SYKES: So this is a question for
9 the Petitioner related to the voting list. So if an
10 election is directed, does the Petitioner wish to waive
11 the 10-day requirement or any portion of the 10-day
12 requirement to have the voter list before the election
13 starts?

14 MR. QUINTO-POZOS: No.

15 HEARING OFFICER SYKES: Okay. You do not want to
16 waive the ability to have the list for the whole ten
17 days?

18 MR. QUINTO-POZOS: That's right.

19 HEARING OFFICER SYKES: Okay. And this is a
20 question for the Employer. This is in our script. We
21 need the -- do you have a name, and I guess you can
22 provide us the address and everything later, but the
23 name of an onsite representative when we serve the
24 election notice? I'm assuming it would be Alana, the
25 store manager.

1 MR. RAHHAL: I think we're going to have it be
2 Casey Martin.

3 HEARING OFFICER SYKES: Casey Martin. Okay.

4 MR. RAHHAL: The district manager.

5 HEARING OFFICER SYKES: Okay. So later on, you
6 know, you can send us an email with her contact
7 information.

8 MR. RAHHAL: Okay.

9 HEARING OFFICER SYKES: Okay. So the Regional
10 Director will issue a decision in this matter as soon as
11 practical and will immediately transmit the document to
12 the parties and their designated representatives by
13 email, facsimile, or overnight mail.

14 Prior to the hearing the parties were provided with
15 Form NLRB 5580, a description of voter list
16 requirements, actors, hearing and certification, and
17 decertification cases which explains the Employer's
18 obligation to furnish a voter list should an election be
19 directed in this matter. That has been marked as
20 Board's Exhibit 5, which I just sent to the parties.
21 **(Board's Exhibit No. 5 marked for identification.)**

22 Are there any objections to the receipt of Board's
23 Exhibit 5?

24 MR. QUINTO-POZOS: No.

25 MR. RAHHAL: None from the Employer.

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1 HEARING OFFICER SYKES: Okay. Hearing no
2 objections, Board's Exhibit 5 is received into the
3 record.

4 **(Board's Exhibit No. 5 is received into evidence.)**

5 So any party is entitled upon request to a
6 reasonable period at the close of this hearing for an
7 oral argument. Does any party wish to make such a
8 request at this time?

9 MR. QUINTO-POZOS: No.

10 MR. RAHHAL: No.

11 HEARING OFFICER SYKES: So any party desiring to
12 submit a brief to the Regional Director shall be
13 entitled to do so within five (5) business days after
14 the close of hearing. Copies of the briefs shall be
15 served on all other parties to the proceeding, and a
16 statement of such service shall be filed with the
17 Regional Director together with the brief. No reply
18 brief may be filed except upon special permission of the
19 Regional Director.

20 Does any party wish to waive the filing of post
21 hearing briefs?

22 MR. QUINTO-POZOS: No.

23 MR. RAHHAL: I'm just going to raise this with
24 Manuel and Martha. In other cases where the Union has
25 asked for an extension to the time in filing the briefs,

1 we have not opposed. I don't know if that's something
2 you all want to do. And if you want to do it now as
3 opposed to having to file a written motion four days
4 from now --

5 MR. QUINTO-POZOS: Not at this time.

6 MR. RAHHAL: Okay.

7 HEARING OFFICER SYKES: Okay.

8 MR. RAHHAL: I'll let Martha weigh in.

9 MS. OWENS: I don't know. To turn town an
10 extension is against my nature.

11 MR. RAHHAL: Well, it's easier to get one now
12 rather than later. My last one, the Union asked for a
13 10-day extension. I'm just throwing that out there.

14 HEARING OFFICER SYKES: Yeah. As you're aware, the
15 granting of extensions, you know, we would need
16 extraordinary circumstances, so you know, at this point
17 I would say briefs will be due March 10th, 2022.

18 MR. RAHHAL: Do you know when we will get the
19 transcript?

20 HEARING OFFICER SYKES: I don't know, but I would
21 encourage everybody to order an expedited copy. Jen, do
22 you know when they would get it if they ordered it
23 expedited?

24 COURT REPORTER: Expediated is Monday.

25 HEARING OFFICER SYKES: Monday.

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1 MR. RAHHAL: And Manuel, therein lies the problem.

2 MR. QUINTO-POZOS: Yeah. Hang on one second, okay?
3 I'll be right back.

4 HEARING OFFICER SYKES: Okay. Let's go off the
5 record real quick.

6 *(Off the record.)*

7 HEARING OFFICER SYKES: So in an off the record
8 discussion, the parties were discussing a request for an
9 extension of time to file briefs. The Petitioner
10 requested until March 17th. The Employer did not oppose
11 this request. The reasoning for the request is that the
12 Petitioner has another hearing involving the same
13 employer that commences on March 14th, and also because
14 the expedited transcript will not be ready until Monday.
15 In consideration of the request, I will grant an
16 extension to file briefs until March 14, 2022.

17 MS. OWENS: Until March 14th or the 17th?

18 HEARING OFFICER SYKES: The 14th.

19 MS. OWENS: That's the day our hearing starts.

20 HEARING OFFICER SYKES: Yes, I understand that.

21 MS. OWENS: Okay, okay.

22 HEARING OFFICER SYKES: Okay. The parties are
23 reminded that pursuant to Section 102.5 of the Board's
24 Rules and Regulations that briefs and other case
25 documents must be filed by electronically submitting

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1 efileing through the agency website, NLRB.gov unless the
2 party filing the document does not have access to the
3 means for filing electronically or if filing
4 electronically would impose an undue burden. Briefs or
5 other documents filed by means other than efileing must
6 be accompanied by a statement explaining why the filing
7 party does not have access to the means for filing
8 electronically or why filing electronically would impose
9 an undue burden. Filing a brief or other document
10 electronically may be accomplished by using the efileing
11 system on the agency's website, NLRB.gov. Once the
12 website is accessed, click on efile documents, enter the
13 NLRB case number, and follow the detailed instructions.
14 The responsibility for the receipt of the documents
15 rests exclusively with the sender. A failure to timely
16 file the brief will not be excused on the basis that the
17 transmission could not accomplished because the agency's
18 website was offline or unavailable for some other reason
19 absent a determination of technical failure of the site
20 with notice of such posted on the website.

21 I just want to make sure, does the court reporter
22 have all of the exhibits?

23 COURT REPORTER: I will have to check my email.
24 I'm not 100 percent sure right now.

25 HEARING OFFICER SYKES: Okay.

1 COURT REPORTER: It looks like I do have them.

2 HEARING OFFICER SYKES: Okay.

3 MS. OWENS: I know that we have all of ours to the
4 best of our knowledge.

5 MR. QUINTO-POZOS: And I sent mine earlier. Jen,
6 do you have the Petitioner's 1 through 4?

7 COURT REPORTER: Yes, I do. I just see that right
8 now.

9 MR. QUINTO-POZOS: Okay. Great.

10 HEARING OFFICER SYKES: Yes. And I received it.
11 Okay. And as I already said, the parties are reminded
12 that they should request an expedited copy of the
13 transcript from the court reporter.

14 If there is nothing further, the hearing will now
15 be closed.

16 *(Whereupon, the above entitled matter was closed, 10:35*
17 *a.m. central time.)*

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